

121 of 4  
A COLLECTION OF  
ALL THE  
T R E A T I E S  
OF  
P E A C E, A L L I A N C E,  
AND  
C O M M E R C E,  
B E T W E E N  
G R E A T - B R I T A I N  
AND  
O T H E R P O W E R S,  
FROM THE  
REVOLUTION in 1688, to the PRESENT TIME.

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V O L. II.  
From 1727 to 1771.

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L O N D O N:  
Printed for J. ALMON, Opposite Burlington-house,  
in Piccadilly.

MCCCLXXII.



A COLLECTION OF

ALL THE

TREATIES

OF

PEACE, ALLIANCE,

AND

COMMERCE

BETWEEN

GREAT-BRITAIN



OTHER

FROM THE

Revolution in 1688, to the Present Time.

VOLUME

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# C O N T E N T S

## O F T H E

## S E C O N D V O L U M E.

A. D.		Page
1727-8	<b>T</b> R E A T Y of Peace and Commerce between the King of Great Britain and the Emperor of Morocco	1
1728	Convention between Great Britain and Spain	2
1729	Treaty of Peace and mutual Defence between Great Britain, France, and Spain	5
1730	Treaty of Alliance and Commerce between Great Britain and the Cherokee Nation	13
1731	Treaty of Peace and Alliance between the Emperor and Great Britain, including the United Provinces	17
1731	Treaty between the Emperor, Great Britain, and Spain	31
1739	Convention between Great Britain and Spain	38
1743	Definitive Treaty of Peace, &c. between Great Britain, Hungary, and Sardinia	53
1748	Definitive Treaty of Peace between Great Britain, France, and the United Provinces	68
1750	Treaty between Great Britain and Spain	107
1750	Treaty of Peace between the King of Great Britain and the Emperor of Morocco	112
1751	Treaty of Peace and Commerce between the King of Great Britain and the Bey of Tunis	130
1755	Treaty between Great Britain and the Empress of Russia	137
1742	Treaty between Great Britain and the Empress of Russia	144
1755	Treaty between his Britannic Majesty and the Landgrave of Hesse Cassel	154
1758	A complete Copy of all the Treaties with the King of Prussia	160
1761	An Historical Memorial of the Negotiation of France and England	177
1762	Preliminary Articles of Peace between Great Britain, France, and Spain	161



## TREATIES, &c.

*Articles of Peace and Commerce between His Majesty George II. by the Grace of God, King of Great-Britain, &c. and the most Noble Prince Muley Hamet Dahebby, Ben Muley Ismael, Ben Muley Zeriph, Ben Muley Aley, King and Emperor of the Kingdoms of Fez and Morocco, &c. Concluded Jan. 14, 1727-8.*

I. **T**HAT all Moors or Jews, subject to the Emperor of Morocco, shall be allowed a free traffick; viz. to buy or sell for 30 days in the city of Gibraltar, or island of Minorca; and not to reside in either place, but to depart with their effects, without let or molestation, to any part of the said Emperor of Morocco's dominions.

II. That the king of Great-Britain's subjects residing in Barbary, shall not be obliged to appear before the Cadi or Justices of the country; but only the governor of the place, and his Britannick Majesty's consul, are to take cognizance of and adjust the differences they may have with the natives of the country.

III. That the menial servants of his Britannick Majesty's subjects, though natives of the country, either Moors or Jews, be exempt from taxes of all kinds.

IV. That all his Britannick Majesty's subjects, as well passengers as others, taken by any of the Emperor of Fez and Morocco's cruizers, on board any foreign ship or vessel whatever, shall immediately be set at liberty and sent to the city of Gibraltar.

V. That there be permission for buying provisions, and all other necessaries for his Britannick Majesty's fleet, or city of Gibraltar, at any of the Emperor of Fez and Morocco's sea-ports, at the market-prices; and the same to be shipped off without paying custom, as has been extorted lately contrary to the treaty of peace subsisting.

VI. All the other articles being fifteen in number, concluded, agreed and adjusted by the Honourable Charles Steward, Esq; on the behalf of his Britannick Majesty, and by his Excellency Bathaw Hamet, Ben Aly, Ben



Abdalla, and his Imperial Majesty's Treasurer, Mr. Mosse Ben Hatter, a Jew, on the behalf of the said King of Fez and Morocco, shall stand good, and be of the same force as in the reigns of the most high and most renowned Prince George I. King of Great-Britain, France and Ireland, &c. of glorious memory, and the high and glorious, mighty and right noble Prince Albumazar Muley Ismael, late Emperor of Morocco. And it is farther agreed that all the articles aforementioned, as well the fifteen as these additional ones, shall in twenty days after the date hereof, be published in the Arabick language, and affixed on the gates of all the sea-port towns in his Imperial Majesty's dominions.

Signed and dated at the court of Mequinez, Jan. 14, 1727-8.

*Convention between Spain and Great-Britain relating to the execution of the preliminaries; signed at the Pardo, the 6th of March, 1728. N. S.*

**W**HEREAS certain difficulties have arisen upon the execution of the articles which are called preliminaries, and which were signed at Paris the last day of May, and after at Vienna the 13th of June, 1727, by the ministers respectively furnished with sufficient full powers; and whereas, by a certain declaration made by the Count de Rothemburg, with the consent of all the parties, and approved, the aforesaid difficulties have been happily adjusted; of which declaration, and of the acceptation thereof by his Catholick Majesty, as the same was exhibited and subscribed by the Marquis de la Paz, in his name, and by his command, the tenor hereof follows.

Whereas, since the signing of the preliminaries, certain difficulties have arisen between the contracting parties, in relation to the restitution of prizes that have been taken on either side; and namely, that the Prince Frederick and his cargo, belonging to the South-sea company, has been seized and detained by the Spaniards at La Vera Cruz; which difficulties have delayed the execution of the preliminaries, the exchanging the ratification with Spain, and the opening

the congress: his Britannick Majesty, to facilitate matters as much as lies in his power, and to remove all obstacles that obstruct a general pacification, has declared; and given his royal word to the most Christian King, that he will, without delay, send orders to his admirals, Wager and Flosset, or the chief commander in his stead, to withdraw from the seas of the Indies and of Spain; and that he consents that the contraband trade, and other causes of complaint, which the Spaniards may have in relation to the ship Prince Frederick, shall be discussed and decided in the congress; that all the respective pretensions, on each side, shall be produced, debated and decided, whether the prizes taken at sea, on each side, shall be restored; and that his Britannick Majesty will abide by what shall on all this be regulated.

On my part, I promise, in the name of the King my master, by virtue of the orders and full powers which I have received for that purpose, that this discussion, to be made at the congress, shall be faithfully executed; that the exchange of the ratifications shall be performed without delay, and that the congress shall meet, infallibly, and the soonest that shall be possible, according to what shall be agreed by the ministers of the contracting parties who shall happen to be at Paris; provided his Catholick Majesty will give his royal word.

I. To raise, immediately, the blockade of Gibraltar, by sending back the troops to their quarters, by causing the cannon to be drawn off, the trenches to be filled up, and the works made on the occasion of this siege to be demolished, by re-establishing every thing on each side, conformable to the treaty of Utrecht.

II. To send, without delay, his order, clear and express, for delivering up forthwith the ship Prince Frederick, and her cargo, to the agents of the South-sea company, who are at Vera Cruz, that, when they think fit, they may send her to Europe; and to restore the commerce of the English nation in the Indies, according to what is stipulated by the Asiento treaty, and agreed by the second and third articles of the preliminaries.

III. To cause the effects of the Flotilla to be immediately delivered to those to whom they belong; and those of the

Galleons, when they return, as in time of freedom and of full peace, according to the fifth article of the preliminaries.

IV. That his Catholick Majesty does engage, in the same manner as his Britannick Majesty has engaged above, to abide by all that shall be regulated by the abovesaid discussion and decision of the congress.

*Given at the Pardo, March 4, 1728.*

(L. S.) Rothemburg.

I, the under-written Marquis de la Paz declare, by an exprefs order in the royal name of the Catholick King my master, in consequence of his full power, that his Majesty, out of his constant desire to facilitate the negotiations for an universal lasting peace, is come into an acceptation of, and does effectually admit, the proposals lately made by the Count de Rothemburg, Minister and Plenepotentiary of his most Christian Majesty, according to what is here next above inserted.

In witness whereof, I sign this present declaration, and put thereto the seal of my arms, at the *Pardo, March 5, 1728.*

*E. C. Marquis de la Paz.*

We the under-written Ministers Plenepotentiary, duly authorized, to the end the above-written declaration and acceptation may obtain the most full force and vigour, have signed this special instrument of consent and approbation, in the name, and by the consent of our respective Masters, and have affixed our Seals thereunto, *March 6, 1729.*

(L. S.) S. S. Co. *Konigsegg.*

(L. S.) *B. Keen.*

(L. S.) Rothemburg.

(L. S.) *E. C. Marquis de la Paz.*

(L. S.) *H. Vander Meer.*



*The treaty of peace, union, friendship, and mutual defence, between the crowns of Great-Britain, France, and Spain, concluded at Seville on the 9th of November, N. S. 1729.*

In the Name of the most Holy Trinity, Father, Son, and Holy Ghost, three distinct Persons, and one only true God.

**T**HEIR most Serene Majesties the King of Great-Britain, the most Christian King, and the Catholick King, desiring, with equal earnestness, not only to renew and bind more closely their antient friendship, but likewise to remove whatever might hereafter disturb it; to the end that being united in sentiments and inclination, they may for the future act in every thing as having but one and the same view and interest; and for this purpose, the most Serene King of Great-Britain having given full power for treating in his name to M. William Stanhope, Vice-Chamberlain of his Britannick Majesty's Household, one of his Privy-Council, Member of the parliament of Great-Britain, Colonel of a regiment of dragoons, and his said Majesty's Ambassador extraordinary to his Catholick Majesty; as also to M. Benjamin Keene, his said Britannick Majesty's Minister Plenipotentiary to his Catholick Majesty: The most Serene most Christian King having given full power for treating in his name to the Marquis de Brancas, Lieutenant-General of his armies, knight of his orders, and of that of the Golden-Fleece, his Lieutenant-General in the government of Provence, and his Ambassador Extraordinary to his Catholick Majesty: And the most Serene Catholick King having likewise given full power for treating in his name to M. John Baptist D'Oren-dayn Marquis de la Paz, his Counsellor of State and first Secretary of state and of the dispatches; and to M. Joseph Patino, Commander of Alcaueca in the Order of St. James, Governor of the Council of the Treasury, and of the Tribunals depending thereon, Superintendent-General of the general revenues, and his Secretary of state and of the dispatches for affairs of the Marine, the Indies, and the Treasury: The above-mentioned Ministers have agreed between them on the following articles.



I. There shall be from this time and for ever a solid peace, a strict union, and a sincere and constant friendship between the most Serene King of Great-Britain, the most Serene most Christian King, and the most Serene King of Spain, their heirs and successors, as also between their kingdoms and subjects, for the mutual assistance and defence of their dominions and interests; there shall likewise be an oblivion of all that is past; and all the former treaties and conventions of peace, of friendship, and of commerce, concluded between the contracting powers respectively, shall be, as they hereby are, effectually renewed and confirmed, in all those points which are not derogated from by the present treaty, in as full and ample a manner, as if the said treaties were here inserted word for word, their said Majesties promising not to do any thing, nor suffer any thing to be done, that may be contrary thereto directly or indirectly.

II. In consequence of which treaties, and in order to establish firmly this union and correspondence, their Britannick, most Christian, and Catholick Majesties, promise and engage by the present defensive treaty of alliance, to guarantee reciprocally their kingdoms, states, and dominions under their obedience, in what parts of the world soever situate, as also the rights and privileges of their commerce, the whole according to the treaties; so that the said powers, or any one of them, being attacked or molested by any power and under any pretext whatever, they promise and oblige themselves reciprocally to employ their offices, as soon as they shall be thereto required, for obtaining satisfaction to the party injured, and for hindering the continuance of hostilities; and if it happen that the said offices be not sufficient for procuring satisfaction without without delay, their said Majesties promise to furnish the following succours, jointly, or separately, that is to say, his Britannick Majesty eight thousand foot and four thousand horse; his most Christian Majesty eight thousand foot and four thousand horse; and his Catholick Majesty eight thousand foot and four thousand horse: If the Party attacked, instead of troops, should demand ships of war or transports, or even subsidies in money, he shall be free to chuse, and the other parties shall furnish the said ships

or money, in proportion to the expence of troops; and for taking away all doubt touching the valuation of the succours, their abovesaid Majesties agree, that a thousand foot shall be computed at ten thousand florins Dutch money, and a thousand horse at thirty thousand florins Dutch money, by the month; and the same proportion shall be observed with respect to the ships that ought to be furnished; their said Majesties promising to continue and keep up the said succours as long as the trouble shall subsist; and in case it should be found necessary, their said Majesties shall mutually succour each other with all their forces, and shall even declare war against the aggressor.

III. The Ministers of his Britannick Majesty and of his most Christian Majesty, having alledged that in the treaties concluded at Vienna between the Emperor and the King of Spain, in the year One thousand seven hundred twenty five, there were divers clauses that infringed the articles of the several treaties of commerce, or of the treaties of peace in which commerce may be concerned, antecedent to the year One thousand seven hundred twenty five, his Catholick Majesty has declared, as he declares by the present article, That he never meant to grant, nor will suffer to subsist by virtue of the said treaties of Vienna, any privilege contrary to the treaties here-above confirmed.

IV. It having been agreed by the preliminary articles, that the commerce of the English and French nations, as well in Europe as in the Indies, should be re-established on the foot of the treaties and conventions antecedent to the year One thousand seven hundred twenty five, and particularly that the commerce of the English nation in America should be exercised as heretofore; it is agreed by the present article, that all necessary orders shall be dispatched on both sides, without any delay, if they have not been sent already, as well for the execution of the said treaties of commerce, as for supplying what may be wanting for the entire re-establishment of commerce on the foot of the said treaties and conventions.

V. Although it was stipulated by the preliminaries that all hostilities should cease on both sides, and that if any trouble or hostilities should happen between the subjects of the contracting parties, either in Europe, or in the

Indies, the contracting powers should concur for the reparation of damages sustained by their respective subjects; and notwithstanding this it is alledged, that on the part of the subjects of his Catholick Majesty acts of disturbance and hostilities have been continued; it is agreed by this present article, that as to what relates to Europe, his Catholick Majesty shall forthwith cause reparation to be made for the damages which have been suffered there since the time prescribed by the preliminaries for the cessation of hostilities; and as to what relates to America, he will likewise forthwith cause reparation to be made for the damages which shall have been suffered there since the arrival of his orders at Cartagena on the <sup>21</sup> day of June One thousand seven hundred twenty eight. And his said Catholick Majesty shall publish the most rigorous prohibitions for preventing the like violences on the part of his subjects; their Britannick and most Christian Majesties promising on their part, if there be like cases, to cause reparation to be made for what shall have been so done, and to give like orders for the preservation of the peace, tranquility, and good intelligence.

VI. Commissaries shall be nominated, with sufficient powers, on the part of their Britannick and Catholick Majesties, who shall assemble at the court of Spain within the space of four months after the exchange of the ratifications of the present treaty, or sooner if it can be done, to examine and decide what concerns the ships and effects taken at sea on either side to the times specified in the preceeding article. The said commissaries shall likewise examine, and decide, according to the treaties, the respective pretensions which relate to the abuses that are supposed to have been committed in commerce, as well in the Indies as in Europe, and all the other respective pretensions in America, founded on treaties, whether with respect to the limits, or otherwise. The said commissaries shall likewise discuss and decide the pretensions which his Catholick Majesty may have, by virtue of the treaty of One thousand seven hundred twenty one, for the restitution of the ships taken by the English fleet in the Year One thousand seven hundred eighteen. And the said commissaries after having examined, discussed, and decided the above-



abovesaid points and pretensions, shall make a report of their proceedings to their Britannick and Catholick Majesties, who promise that within the space of six months after the making of the said report, they will cause to be executed punctually and exactly what shall have been so decided by the said Commissaries.

VII. Commissaries shall likewise be nominated on the part of his most Christian Majesty, and of his Catholick Majesty, who shall examine all grievances generally whatsoever, which the said parties therein interested may form respectively, whether for the restitution of vessels seized or taken, or with respect to commerce, limits, or otherwise.

VIII. The said Commissaries shall finish punctually their commission within the space of three years, or sooner if it can be done, to be computed from the day of the signing of the present treaty, and this without any further delay, on any motive or pretext whatever.

IX. The introducing of garrisons into the places of Leghorn, Porto-ferraio, Parma, and Placentia, to the number of six thousand men of his Catholick Majesty's troops, and in his pay, shall be effectuated without loss of time; which troops shall serve for the better securing and preserving of the immediate succession of the said States in favour of the most Serene Infante Don Carlos, and to be ready to withstand any enterprize and opposition which might be formed to the prejudice of what has been regulated touching the said succession.

X. The contracting powers shall forthwith use all the applications which they shall judge to be consistent with the dignity and quiet of the most Serene Great Duke of Tuscany, and the Duke of Parma, to the end the garrisons may be received with the greatest tranquility and without opposition, as soon as they shall present themselves before the places into which they are to be introduced.

The said garrisons shall take an oath to the present possessors to defend their persons, sovereignty, possessions and states, and subjects, in every thing that shall not be contrary to the right of succession reserved to the most Serene Infante Don Carlos, and present possessors shall not demand or exact any thing that is contrary thereto.

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The said garrisons shall not meddle directly or indirectly, under any pretext whatsoever, in affairs of the political, economical or civil government; and shall have most express orders to render to the most Serene Great Duke of Tuscany and the Duke of Parma, all the respects and military honours that are due to Sovereigns in their own dominions.

XI. The intent of introducing the said six thousand men of his Catholick Majesty's troops and in his pay, being to secure to the most Serene Infante Don Carlos the immediate succession of the States of Tuscany, Parma, and Placentia, his Catholick Majesty promises, as well for himself as his successors, that as soon as the most Serene Infante Don Carlos his Son, or such other who shall succeed to his rights, shall be the quiet possessor of those States, and in safety from all invasion and other just grounds of fear, he will cause to be withdrawn from the places in those States the troops which shall be his own, and not belonging to the Infante Don Carlos, or to him who shall succeed to his rights, in such manner that thereby the said succession or possession may rest secure and exempt from all events.

XII. The contracting powers engage to establish, according to the rights of succession which have been stipulated, and to maintain the most Serene Infante Don Carlos; or him to whom his rights shall devolve, in the possession and enjoyment of the States of Tuscany, Parma, and Placentia, when he shall once be settled there; to defend him from all insult, against any power whatsoever, that might intend to disturb him; declaring themselves by this treaty, Guarantees for ever of the right, possession, tranquility, and quiet of the most Serene Infante; and of his successors to the said States.

XIII. As to other particulars or regulations concerning the keeping up of the said garrisons once established in the States of Tuscany, Parma, and Placentia, as it is to be presumed that his Catholick Majesty and the most Serene Great Duke, and Duke of Parma, will settle the same by an agreement between themselves, their Britannick and most Christian Majesties promise, that as soon as that agreement shall be made, they will ratify and guarantee it,

it, as well as to his Catholick Majesty, as to the most Serene Great Duke and Duke of Parma, as if were inserted word for word in the present treaty.

XIV. The States General of the United Provinces shall be invited to come into the present treaty and articles. Such other powers as shall be agreed on, shall likewise be invited and admitted by concert into the same treaty and articles.

The ratifications of the present treaty shall be dispatched within the space of six weeks, or sooner, if it can be done, to be reckoned from the day of signing it.

In witness whereof, We the underwritten Ministers Plenipotentiaries of his Britannick Majesty, of his most Christian Majesty, and of his Catholick Majesty, by virtue of our full powers, which have been communicated to each other, transcripts of which shall be hereto annexed, have signed the present treaty, and caused the seals of our arms to be affixed thereto. Done at Seville, the ninth day of November, One thousand seven hundred twenty nine.

W. Stanbopes.

Branca.

El Marq. de la Paz.

(L. S.)

(L. S.)

(L. S.)

B. Keene.

D. Joseph Patino.

(L. S.)

(L. S.)

*Separate Articles.*

I. **A**LTHOUGH, conformably to the preliminary articles, it is said in the fourth article of the treaty signed this day, that the commerce of the English nation in America should be re-established on the foot of the treaties and conventions antecedent to the year One thousand seven hundred twenty five; however, for the greater exactness, it is further declared by the present article between their Britannick and Catholick Majesties, which shall have the same force, and be under the same guaranty as the treaty signed this day, that under that general denomination are comprehended the treaties of peace and of commerce, concluded at Utrecht the thirteenth of July and ninth of December, in the year One thousand seven

seven hundred thirteen, in which are comprised the treaty of One thousand six hundred sixty seven, made at Madrid, and the cédulas therein mentioned; the latter treaty made at Madrid the fourteenth of December, One thousand seven hundred fifteen; as also the particular contract, commonly called the Asiento, for bringing negro slaves into the Spanish Indies, which was made the twenty sixth day of March, in the said year One thousand seven hundred thirteen, in consequence of the Twelfth article of the treaty of Utrecht; and likewise the treaty of declaration, touching that of the Asiento, made the Twenty sixth of May, One thousand seven hundred sixteen: All which treaties mentioned in this article, with their declarations, shall from this day (even during the examination by the commissaries) be and remain in their force, virtue and full vigour; for the observation of which his Catholick Majesty shall cause to be dispatched forthwith, if they have not been dispatched, the necessary orders and cédulas to his Vice-roys, Governors, and other Ministers, to whom it shall appertain, as well in Europe as in the Indies, to the end that without any delay or interpretation they may cause them to be observed and fulfilled.

In like manner his Britannick Majesty promises and engages to publish the necessary orders, if any be wanting, for re-establishing the commerce of the subjects of Spain in all the countries under his dominion, on the foot specified by the said treaties, and for causing them to be exactly observed and fulfilled.

II. Consequently, all ships, merchandize and effects, which shall not have been taken or seized on account of unlawful commerce, and which shall now be proved by authentick proofs and documents, to have been detained, seized, or confiscated in the ports of Spain, either in Europe or in the Indies, and namely the ship Prince Frederick and her cargo, if they have not been restored already, shall be immediately restored, in the same kind as to those things which shall be found still remaining in that condition; or in default thereof, the just and true value of them, according to their valuation, which, if it was not made at the time, shall be regulated by the authentick informations which the proprietors shall exhibit



to the magistrates of the places and towns where the seizures were made: His Britannick Majesty promising the like on his part, as to all seizures, confiscations, or detentions, which may have been made contrary to the tenor of the said treaties: Their said Britannick and Catholick Majesties agreeing, that with respect to the like seizures, confiscations, or detentions on either side, the validity of which may not yet have been sufficiently made out, the discussion and decision of them shall be referred to the examination of the commissaries, to do therein according to right upon the foot of the treaties here above-mentioned.

The present separate articles shall have the same force as if they were inserted word for word in the treaty, concluded and signed this day. They shall be ratified in the same manner, and the ratifications of them shall be exchanged at the same time as those of the said treaty.

In witness whereof we the underwritten Ministers Plenipotentiaries of his Britannick Majesty, of his most Christian Majesty, and of his Catholick Majesty, by virtue of our full powers, have signed the present separate articles, and caused the seals of our arms to be put thereto. Done at Seville the ninth day of November, One thousand seven hundred twenty nine.

W. Stanhope.

(L. S.)

B. Keene.

(L. S.)

Brancas.

(L. S.)

El Marq. de la Paz.

(L. S.)

D. Joseph Patino.

(L. S.)

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*Treaty of alliance and commerce between Great-Britain and the nation of the Cherrokees in America. Sept. 20, 1730.*

I. **F**ORASMUCH as you Scayagusta Oukah, Chief of the city of Tastetfa, you Scalilosken Ketagustah, you Tathtowe, you Clogittah, you Kolkannah, and you Ukwanequa, were sent by Moytoy de Telliquo, with approbation of the whole nation of the Cherrokees, in an assembly held at Nikossen the 14th of April, 1730, to Sir Alexander Cuming, Bart. in Great-Britain, where you have



have seen the great King George, at whose feet the said Sir Alexander Cuming, by the express order of Moytoy, and the whole nation of the Cherrokees, has laid the crown of your nation, the skulls of your enemies, and the plumes of honour, as a mark of your submission: The King of Great-Britain, who has a tenderness for the powerful and great nation of the Cherrokees, his good children and subjects, has authorized us to treat with you; and in this character we confer with you, as if the whole nation of the Cherrokees, its old men, its young men, its women and children were here present: and you ought to look upon the words which we say to you, as if pronounced from the lips of the Great King your Master, whom you have seen; and we will consider the words which you shall speak to us, as the words of your whole nation, delivered frankly and sincerely to the Great King. Whereupon we give you four pieces of strip'd serge.

II. Hear therefore the words of the Great King, whom you have seen, and who has commanded us to tell you, that the English in all places, and on both sides the great mountains, and great lakes, are his people and children whom he dearly loves; that their friends are his friends, and their enemies his enemies; that he is pleased that the great nation of the Cherrokees has sent you hither, to polish the chain of friendship which is betwixt him and them, betwixt your people and his people; that the chain of friendship betwixt him and the Indians of the Cherrokees, is like the sun which gives light, both here and upon the high mountains that they inhabit, and which warms the hearts both of the Indians and the English. And as we see no spots in the sun, so there is no rust nor dirt on this chain: and as the Great King holds one end of it fastened to his breast, 'tis his intention that you should take up the other end of the chain, and fix it to the breast of Moytoy Telliquo, and to those of your wise old men, your captains and your people, in such manner that it may never be broke nor loosed. And hereupon we give you two pieces of blue cloth.

III. The Great King and the Indians of the Cherrokees, being thus united by the chain of friendship, he has order'd his children, the Indians of Carolina, to traffick

with the Indians, and to furnish them with whatever commodities they want, and to build houses, and sow corn with speed, all the way from Charles-Town to the Cherrokees-Town, on the other side of the great mountains; for he would have the Indians and the English live together like children of one and the same family, whose Great King is their dear father: and forasmuch as the Great King has given his lands on both sides the great mountains to the English his children, he grants the Indians of the Cherrokees the privilege to live where they please. And upon this we give you a piece of red cloth.

IV. The great nation of the Cherrokees being at present the children of the Great King of Great-Britain, and he being their father, the Indians ought to consider the English as brothers, of one and the same family, and ought always to be ready at the Governor's orders to fight against any nation whatsoever, either Whites or Indians, that shall molest or attack the English. And hereupon we give you twenty muskets.

V. The Cherrokees nation shall take care to keep the way of commerce clean, and that there be no blood in the road where the English white men travel, even though they happen to be accompanied by any other nation at war with the Cherrokees. Whereupon we give you two hundred weight of gunpowder.

VI. That the Cherrokees nation shall not suffer any of its people to traffick with any other white men besides the English, and shall grant leave to no other nation to build any fort or habitation, or to sow corn in their country, either near any towns of the Indians, or on the lands belonging to the Great King; and if any thing like it be undertaken, you must give advice of it to the English Governor, and act as he shall order you, for maintaining the rights of the Great King over the lands of Carolina. Whereupon we give you five hundred weight of musket bullets, and the same quantity of cannon ball.

VII. That in case any negro slave runs away from his English master into the woods, the Indians of the Cherrokees shall do what they can to apprehend him, and bring him back to the plantation from whence he fled, or to the Governor's house; and for every negro which  
the

the Indians shall thus retake, they shall have a musket, and a sentinel's suit of cloaths. Whereupon we give you a box full of vermilion, with 10000 flints, and 6 dozen of hatchets.

VIII. That if an Englishman has the misfortune to kill an Indian, the King or Chief of the Cherrokees shall first of all make his complaint to the English Governor, and the person who committed the murder shall be punished according to the laws, as much as if he had killed an Englishman, and in like manner if an Indian kill an Englishman; the guilty Indian shall be delivered up to the Governor, who shall punish him according to the English laws, and as if he was an Englishman. Whereupon we give you twelve dozen of clasp-knives, four dozen of kettles, and ten dozen of bells.

IX. You are to know, that every thing we have said to you are the words of the Great King whom you have seen; and to shew that his heart is open and sincere to his children and friends the Cherrokees, and their whole nation, he puts his hand into this Bandelier, which he demands may be received and shewn to your whole nation, to their children and Grand-children, to confirm what has been said to you, and to perpetuate this treaty of peace and friendship between the English and the Cherrokees, as long as the mountains and rivers are in being, and as long as the sun shall shine. Whereupon we give you this Bandelier.

Signed,

*Oukab Ulab,*  
*Scalilosken Ketagustab,*  
*Tatbiowe,*

*Clogottab,*  
*Kollannab,*  
*Ukwanequa.*

By order of the Commissioners at Whitehall, the 30th of September, 1730.

ALLURED POPPLE.

And underneath,

'Tis for the security of Moytoy de Telliquo, that I have seen, examined, and approved of all the articles contained in the above agreement, to which the said Indians have by my advice given their consent.

Signed,

ALEX. CUMING.



*Treaty of peace and alliance, between the Emperor Charles VI. and George II. King of Great-Britain, in which the States of the United Provinces of the Netherlands are included. Made at Vienna, the 16th of March, 1731.*

In the Name of the most Holy and undivided Trinity,  
Amen.

**T**O all to whom it does or may any way appertain. Be it known, that the most Serene and most Potent Prince and Lord, Charles VI. Emperor of the Romans, &c. and the most Serene and most Potent Prince and Lord, George II. King of Great-Britain, France and Ireland, together with the High and Mighty Lords the States General of the United Provinces of the Netherlands, having taken into consideration the present unfetled and perplexed state of affairs in Europe, seriously bethought themselves of finding proper methods, not only to prevent those evils which must naturally arise from the cavils and divisions that were daily increasing, but also to establish the publick tranquillity upon a sure and lasting foundation, and in as easy and speedy a manner as it was possible: For this end their said Majesties and the said States-General, being fully animated with a sincere desire to promote so wholesome a work, and to bring it to perfection, judged it expedient to agree among themselves upon certain general conditions, which might serve as the basis for reconciling the animosities, and settling the differences of the chief Princes of Europe, which as they are heightened among themselves, do greatly endanger the publick tranquillity.

For which purpose, the most high Prince and Lord, Eugene Prince of Savoy and Piedmont, &c. and also the most illustrious Lord, Philip-Lewis, Hereditary Treasurer of the holy Roman Empire, Count of Zinzendorf, &c. and also the most illustrious Lord, Gundacker Thomas, Count of the holy Roman Empire, &c. on the part of his Sacred Imperial and Catholick Majesty; and Thomas Robinson, Esq; Minister of his Majesty of Great-Britain to his said Imperial and Catholick Majesty, on the part of his Majesty of Great-Britain; and on the part of the High and



Mighty States of the United Provinces of the Netherlands; being all furnished with full powers, after they had held conferences together, and exchanged their credential letter and full powers, agreed upon the following articles and conditions.

I. That there shall be from this time forward, between his Sacred Imperial Catholick Majesty, his Sacred Royal Majesty of Great-Britain, the heirs and successors of both, and the High and Mighty Lords the States General of the United Provinces of the Netherlands, a firm, sincere, and inviolable friendship, for the mutual advantage of the Provinces and subjects belonging to each of the contracting powers: and that this peace be so established, that each of the contractors shall be obliged to defend the territories and subjects of the others; to maintain the peace, and promote the advantages of the other contractors as much as their own; and to prevent and avert all damages and injuries of every kind whatsoever, which might be done to them. For this end, all the former treaties or conventions of peace, friendship and alliance, shall have their full effect, and shall preserve in all and every part their full force and virtue, and shall even be looked upon as renewed and confirmed by virtue of the present treaty, except only such articles, clauses, and conditions, from which it has been thought fit to derogate by the present Treaty. And moreover, the said contracting parties have expressly obliged themselves, by virtue of this present article, to a mutual defence, or as it is called, guaranty of all the kingdoms, states, and territories, which each of them possesses, and even of the rights and immunities each of them enjoys, or ought to enjoy, in such manner, that they have mutually declared and promised to one another, that they will, with all their forces oppose the enterprises of all and every one who shall (perhaps contrary to expectation) undertake to disturb any of the contractors, or their heirs and successors, in the peaceable possession of their kingdoms, states, provinces, lands, rights, and immunities, which each of the contracting parties doth or ought to enjoy, at the time of the conclusion of the present treaty.

II. More

II. Moreover, as it has been frequently remonstrated on the part of his Imperial and Catholick Majesty, that the publick tranquillity could not reign and last long, and that no other sure way could be found out for maintaining the Balance of Europe, than a general defence, engagement, and evicition, or as they call it, a guaranty for the order of his succession, as it is settled by the imperial declaration of 1713, and received in the most Serene House of Austria; his Sacred Royal Majesty of Great-Britain, and the High and Mighty Lords the States of the United Provinces of the Netherlands, moved thereto by their ardent desire to secure the publick tranquillity, and to preserve the balance of Europe, as also by a view of the terms agreed upon in the following articles, which are exceedingly well adapted to answer both purposes, do, by virtue of the present article, take upon them the general guaranty of the said order of succession, and oblige themselves to maintain it as often as there shall be occasion, against all persons whatsoever; and consequently they promise, in the most authentick and strongest manner that can be, to defend, maintain, and (as it is called) to guaranty, with all their forces, that order of succession which his Imperial Majesty has declared and established by a solemn act of the 10th of April, 1713, in manner of a perpetual, indivisible, and inseparable feoffment of trust, in favour of primogeniture, for all his Majesty's heirs of both sexes; of which act there is a copy annexed at the end of this treaty: Which said act was readily and unanimously received by the orders and estates of all the kingdoms, archduchies, principalities, provinces and domains, belonging by right of inheritance to the most Serene House of Austria; all which have humbly and thankfully acknowledged it, and transcribed it into their publick registers, as having the force of a law and pragmatick sanction, which is to subsist for ever in full force. And where-as according to this rule and order of succession, if it should please God of his mercy to give his Imperial and Catholick Majesty issue male, then the eldest of his sons, or, he being dead before, the eldest son's eldest son; and in case there be no male issue, on his Imperial and Catholick Majesty's demise, the eldest of his daughters, the

most Serene Archduchesses of Austria, by the order and right of seniority, which has always been indivisibly preserved, is to succeed his Imperial Majesty in all his kingdoms, provinces, and domains, in the same manner as he now possesses them: nor shall they at any time, upon any account, or for any reason whatever, be divided or separated in favour of him, or her, or them, who may be of the second, the third, or more distant branch. And this same order and indivisible right of seniority is to be preserved in all events, and to be observed in all ages; as well in his Imperial Majesty's male issue, if God grants him any, as in his Imperial Majesty's female issue, after the extinction of the male heirs; or, in short, in all cases wherein the succession of the kingdoms, provinces, and hereditary dominions of the most Serene House of Austria shall be called in question. For this purpose, his Majesty of Great-Britain, and the High and Mighty Lords the States General of the United Provinces of the Netherlands, promise and engage to maintain him, or her, who ought to succeed according to the rule and order above set forth in the kingdoms, provinces, or domains of which his Imperial Majesty is now actually in possession; and they engage to defend the same for ever against all such as shall perhaps presume to disturb that possession in any manner whatsoever.

III. And forasmuch as it hath been often represented to his Imperial and Catholick Majesty, in terms full of friendship, on the part of his Sacred Royal Majesty of Great-Britain, and the High and Mighty Lords the States General of the United Provinces, that there was no surer nor more speedy method for establishing the publick tranquillity so long desired, than by rendering the succession of the Duchies of Tuscany, Parma, and Placentia, designed for the most Serene the Infante Don Carlos, yet more secure by the immediate introduction of 6000 Spanish soldiers into the strong places of those Duchies, his said Sacred Imperial and Catholick Majesty, desiring to promote the pacific views and intentions of his Britannick Majesty, and the High and Mighty States General of the United Netherlands, will by no means oppose the peaceable introduction of the said 6000 Spaniards into the strong places



of the Duchies of Tuscany, Parma, and Placentia, in pursuance of the above-mentioned engagements entered into by his said Britannick Majesty, and by the States General. And whereas to this end, his Imperial and Catholick Majesty judges the consent of the empire necessary, he promises at the same that he will use his utmost endeavours to obtain the said consent, within the space of two months, or sooner, if possible. And to obviate as readily as may be the evils which threaten the publick peace, his Imperial and Catholick Majesty moreover promises, that immediately after the mutual exchange of the ratifications, he will notify the consent which he, as Head of the empire, has given to the said peaceable introduction, to the Minister of the Great Duke of Tuscany, and to the Minister of Parma residing at his court, or wherever else it shall be thought proper. His said Imperial and Catholick Majesty likewise promises and affirms, that he is so far from any thought of raising, or causing any hindrance, directly or indirectly, to the Spanish garrisons being admitted into the places aforesaid, that on the contrary he will interpose his good offices and authority, for removing any unexpected obstruction or difficulty that may oppose the said introduction, and consequently that the 6000 Spanish soldiers may be introduced quietly, and without any delay in the manner aforesaid, into the strong places as well of the Great Duchy of Tuscany, as of the Duchies of Parma and Placentia.

IV. That therefore all the articles thus agreed to, with the irrevocable consent of the contracting parties, be so firmly and reciprocally established, and so entirely decided, that it shall not be lawful for the contracting parties to deviate from them in any wise; meaning as well those which are to be put in execution without delay, and immediately after the exchange of the ratifications, as those which ought to remain for ever inviolable.

V. Whereas for attaining to the end which the contracting parties in this treaty propose to themselves, it has been found necessary to pluck up every root of division and dissension, and therefore that the antient friendship which united the said contracting parties, may not only be renewed, but knit closer and closer every day, his Imperial

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Catholick Majesty promises, and, by virtue of the present article, binds himself to cause all commerce and navigation to the East-Indies to cease immediately and for ever in the Austrian Netherlands, and in all the other countries which in the time of Charles II. Catholick king of Spain, were under the dominion of Spain; and that he will, bona fide, act in such manner, that neither the Ostend company, nor any other, either in the Austrian Netherlands, or in the countries which, as is abovesaid, were under the dominion of Spain in the time of the late Catholick King Charles II. shall at any time directly or indirectly contravene this rule established for ever. Excepting that the Ostend Company may send, for once only, two ships, which shall sail from the said port to the East-Indies, and from thence return to Ostend; where the said Company may, when they think fit, expose the merchandizes so brought from the Indies to sale. And his Sacred Royal Majesty of Great-Britain, and the High and Mighty States General of the United Provinces, do likewise promise on their part, and oblige themselves, to make a new treaty with his Imperial Majesty without delay, concerning commerce and the rule of imposts, commonly call'd a Tariff, as far as relates to the Austrian Netherlands, and agreeable to the intention of the 26th article of the treaty, commonly call'd (by reason of the limits therein settled) the Barrier. And for this purpose the contracting parties shall immediately name commissioners, who shall meet at Antwerp within the space of two months, to be computed from the day of signing the present treaty, to agree together upon every thing that regards the entire execution of the said Barrier treaty, which was concluded at Antwerp the 17th day of November, Anno 1715, and of the convention since signed at the Hague the 11 day of December, 1718; and particularly to conclude a new treaty there, as has been said, concerning commerce, and the rate of imposts, as far as relates to the Austrian Netherlands, and according to the intention of the aforesaid 26th article. 'Tis moreover agreed, and solemnly stipulated, that every thing which it hath been thought fit to leave to the commissioners who are to meet at Antwerp, shall be brought to a final issue, with all the justice and integrity,

tegrity, as soon as possible, and in such manner that the last hand may be put to that work, at least within the space of two years.

VI. As the examination and discussion of the other points which remain to be discussed, either between the contracting parties, or any of their confederates, require much more time than can be spared in this critical situation of affairs, therefore to avoid all delays which might be too prejudicial to the common welfare, 'tis covenanted and agreed to declare mutually, that all the treaties and conventions which any of the said contracting powers have made with other Princes and States, shall subsist as they now are, excepting only so far as they may be contrary to any the points regulated by the present treaty; and moreover, that all the disputes which are actually between the said contracting parties, or any of their allies, shall be amicably adjusted as soon as possible; and in the mean time the contracting parties shall mutually endeavour to prevent any of those who have differences, from having recourse to arms to support their pretensions.

VII. To take away all manner of doubt from the subjects of the King of Great-Britain, and the Lords the States General, touching their commerce in the kingdom of Sicily, his Imperial and Catholick Majesty has been pleased to declare, that from this time forward, they shall be treated in the same manner, and upon the same foot as they were or ought to have been treated in the time of Charles II. King of Spain of glorious memory, and as any nation in the strictest friendship has been usually treated.

VIII. There shall be included in this treaty of peace, all those who within the space of six months, after its ratifications are exchanged, shall be proposed by either party, and by common consent.

IX. This present treaty shall be approved and ratified by his Imperial and Catholick Majesty, by his Sacred Royal Majesty of Great-Britain, and by the High and Mighty Lords the States General of the United Netherlands, and the ratifications shall be given and exchanged at Vienna, within six weeks, to be computed from the day of signing.



In witness and confirmation whereof, as well the Imperial commissioners, in quality of ambassadors extraordinary and plenipotentiaries, as the Minister of the King of Great-Britain, equally furnished with full powers, have signed this treaty with their own hands, and sealed it with their seals. Done at Vienna in Austria, the 16th day of March, in the year of our Lord, 1731.

(L. S.) *Eugene of Savoy,*  
 (L. S.) *Philip Lewis of Zinzendorf,*  
 (L. S.) *Gundacker Thomas of Staremberg,*  
 (L. S.) *Thomas Robinson,*

*Separate Article.*

**THOUGH** by the first article of the treaty concluded this day between his Imperial and Catholick Majesty, his Sacred Royal Majesty of Great-Britain, and the Lords the States General of the United Provinces of the Netherlands, the contracting parties did mutually promise, among other things, that they would with all their forces oppose the enterprizes of any person or persons who should (perhaps contrary to expectation) offer to give disturbance to any of the contracting parties, their heirs or successors, in the peaceable possession of their kingdoms, dominions, provinces, countries, rights or immunities, which each of the contractors doth or ought to enjoy at the time of the conclusion of the present treaty; the said contracting parties have nevertheless agreed among themselves, by virtue of the present separate article, That if it should happen, perhaps in process of time, that the Turks should offer to disturb his Sacred Imperial and Catholick Majesty, his heirs and successors, in the quiet possession of the kingdoms, dominions, provinces, countries, rights or immunities, which his Imperial Majesty actually doth, or ought to enjoy, the guaranties stipulated in the said first article, are not to be extended to this case now mentioned.

*This separate article shall have the same force, &c.*

D E.

DECLARATION *concerning the Spanish garrisons, which are to be introduced into the strong places of Tuscany, Parma, and Placentia*

**F**Orasmuch as his Sacred Imperial Catholick Majesty was desirous to have all manner of security, before he would consent on his part to the third article of the treaty concluded this day, which regulates the immediate introduction of the Spanish garrisons into the strong places of Tuscany, Parma and Placentia, agreeably to the real views and intentions contained in the promises made and signed in the treaty of Seville, partly on the 9th, and partly on the 21st day of November, Anno 1729; his Sacred Royal Majesty of Great-Britain, and the High and Mighty Lords the States General of the United Netherlands, have not only exhibited those promises, *bonâ fide*, as they are here subjoined, to his Sacred, Imperial, and Catholick Majesty, but moreover they have not hesitated to affirm in the strongest manner, that when they agreed to introduce the Spanish garrisons into the strong places of Tuscany, Parma and Placentia, they had no intention to depart in the least from those things which had been settled by the fifth article of the quadruple alliance, concluded at London <sup>Aug. 2</sup><sub>July 22</sub> 1718; either with regard to the rights of his Imperial Majesty, and the empire; or to the security of the kingdoms and states, which his Imperial Majesty actually possesseth in Italy, or lastly to the preservation of the quiet and dignity of those who were then the lawful possessors of those Duchies. For this purpose his Royal Majesty of Great-Britain and the High and Mighty Lords the States General of the United Netherlands have declared, and do declare, that they are entirely disposed, and ready to give his Imperial and Catholick Majesty, as they do by these presents, all the strong and solemn promises, evictions, or, as they are call'd, guaranties that can be desired, as well in relation to the points above-mentioned, as in relation to all the other points still contained in the said fifth article of the treaty called quadruple.

*This present declaration shall have the same force, &c.*

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DECLARATION *concerning the Succession of Parma,*

**I**T being apprehended that the unexpected death of the late most Serene Prince, Anthony Farnese, in his lifetime Duke of Parma and Placentia, might in some sort retard or obstruct the conclusion of this treaty, it having happened at the very time when it was upon the point of being concluded; his Imperial and Catholick Majesty doth by virtue of this present act, declare and engage, that in case the hopes of the pregnancy of the most Serene Duchess Dowager, wife of the said most Serene Duke Anthony whilst he lived, do not prove abortive, and the said Duchess Dowager should bring a man-child into the world, all that has been regulated, as well by the third article of the treaty concluded this day, as by the act of declaration above recited, shall take place, as much as if the unforeseen death of the Duke had not happened: but that if the hopes conceived of the pregnancy of the said Duchess Dowager should vanish, or she should bring a posthumous daughter into the world, then his said Imperial Majesty declares, and binds himself, that instead of introducing the Spanish soldiers into the strong places of Parma and Placentia, the most Serene Infante of Spain, Don Carlos, shall be put into the possession of the said Duchies, in the same manner as was agreed upon with the court of Spain, by consent of the empire, and pursuant to the letters of eventual investiture, the tenor of which shall be looked upon as repeated and confirmed in all its articles, clauses and conditions; in such manner notwithstanding, that the said Infante of Spain, as also the court of Spain, shall first of all fulfil the former treaties, wherein the Emperor is a contracting party with the consent of the empire. And whereas upon the decease of the said Duke Anthony Farnese, the Imperial troops were not put into the strong places of Parma and Placentia, with a view to hinder the eventual succession, as it was secured to the most Serene Infante Don Carlos by the treaty of London, commonly called the Quadruple Alliance, but only to prevent any enterprize which might have disturbed the tranquility of Italy; his Sacred Imperial and Catholick Majesty perceiving, that by the treaty concluded this day, the publick tranquility



is restored and confirmed as far as possible, he doth again declare, that in putting his troops into the strong places of Parma and Placentia, he had no other intention than to support as far as lay in his power, the succession of the most Serene Infante Don Carlos, as it is secured to the said Infante by the said treaty of London; and that very far from opposing the said succession, in case the male branch of the house of Farnese should be utterly extinct; or from opposing the introduction of the Spanish garrisons, if the Duchess Dowager should happen to bring a posthumous son into the world, his Imperial Majesty doth on the contrary declare and promise, that the said forces shall by his express orders be withdrawn, either that the said Infante Don Carlos may be put into possession of the said Duchies, according to the tenour of the letters of eventual investiture, or that the Spanish garrisons may be introduced peaceably, and without any resistance whatever; which said garrisons are to serve for no other use than to secure the execution of the promise made to him, in case the male branch of the House of Farnese should be utterly extinct.

*The present Declaration shall have the same force, &c.*

DECLARATION signed by the Ministers of the King of Great-Britain, and the Lords the States General, by virtue of their full powers.

WHEREAS among several articles agreed upon in the treaty of Seville, on the 9th and 21st day of November 1729, in favour of the Great Duke of Tuscany, as well as of the Duchies of Parma and Placentia, it was likewise provided, that as soon as the most Serene Infante of Spain, Don Carlos, or the Prince to whom his rights may devolve, should be in peaceable possession of the succession designed for him, and secure from any insults of enemies, and against any just cause of fear, then his Royal Catholick Majesty should presently give orders for withdrawing his own troops out of the said Duchies, but not those belonging to the Infante Don Carlos, or to the Prince upon whom, as above-mentioned, his rights may devolve.

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The under-written Ministers of the King of Great-Britain, and the Lords the States General, do, by virtue of this present instrument, declare, that as his said Royal Majesty of Great-Britain, and the High and Mighty Lords the States General of the United Netherlands, are always accustomed to fulfil what they have promised, so 'tis still their meaning and intention, that in the cases aforesaid, the Spanish troops shall be immediately withdrawn from the Duchies of Tuscany, Parma and Placentia.

*This Declaration is to be kept secret, but is nevertheless to be of the same force, &c.*

*Separate Article.*

**W**HEREAS the treaty concluded this day between his Imperial Catholick Majesty, his Britannick Majesty, and the High and Mighty Lords the States General of the United Provinces of the Netherlands, could not be subscribed or signed by the Minister of the said States General residing at the Imperial Court; because according to the custom of the republick, and the form of its government, the full powers could not be dispatched to the said Minister so soon as was necessary; it is agreed between his Imperial Majesty and his Royal Majesty of Great-Britain, that the said States General (there being several conditions in the said treaty, wherein they are particularly concerned) shall be held and reputed as a principal contracting party, according as they are also named in the said treaty, in firm hope and confidence that they would accede to it, as soon as the usual form of their government would admit of it. And because the zeal which that republick manifests for establishing and securing the publick tranquillity, leaves their said Majesties no room to doubt, that the said Republick is desirous of becoming, as soon as may be, a principal contracting party in the said treaty, to the end she may partake of the advantages therein stipulated for her; both their Majesties will therefore unite their endeavours, that this treaty may be signed at the Hague on the part of the said States General, within the space of three months, to be computed from the day of the signing of the present treaty, or sooner if possible; for

it appeared necessary both to his Imperial, and to his Royal Britannick Majesty, in order to obtain the end proposed by the present treaty, and for completing the publick tranquillity, that the said States General should enter into a part and partnership of the said conventions.

*This separate Article shall have the same force, &c.*

*A Declaration concerning East Friesland.*

THE States General of the United Provinces of the Netherlands, having upon several occasions assured his Imperial and Catholick Majesty, that how much soever they are interested in the re-establishment and preservation of the peace in their neighbourhood, and by consequence that of the province of East Friesland, it was never their intention to prejudice in the least the dependence of the said province of East Friesland, upon the Emperor and the Empire; his said Imperial and Catholick Majesty, to give the States a fresh proof of his desire to oblige them as far as is consistent with justice, has been pleased to explain to them his true sentiments on that affair, and by that means to recover them from the fears they seem to have received. In order to this, no hesitation has been made to declare to them on his part by the present act, that his intention always was and still is.

I. That an amnesty which he has most graciously granted to those of Embden and their adherents, shall have its entire effect; and therefore that the several pains and penalties pronounced against those of Embden and their adherents, upon the score of their reniteney (resistance) shall not be put in execution. And as for those of them which have actually been executed since the most gracious acceptance of the submission made by the people of Embden and their adherents, the whole shall be restored upon the foot it stood before the said submission was accepted, that is to say before the third of May, 1729, saving what is hereafter mentioned of an agreement to indemnify those for their losses, who were plundered during the late troubles.

II. His Imperial and Catholick Majesty, having by his resolution of the 12th of Sept. 1729, most graciously permitted those of the town of Emben, and their adherents,



rents, to draw up a fresh account of their grievances, or matters wherein they thought themselves aggrieved by the decrees of 1721, and the years following, concerning the ground of the affairs upon which they differed with the prince; and the said grievances having been afterwards exhibited to the Imperial Aulick council, with all submission, the of November the same year, his said Majesty has already ordained by his most gracious resolution of the 31st of August, that those grievances should be examined as soon as possible. And as it has been often declared, it has been and still is his constant desire, that they should be determined and decided with all the justice and dispatch that is possible, according to the agreements, conventions and decisions, which make the particular law of the province of East Friesland, and which are referred to in the Prince's reversal letters, passed and sworn to at his accession to the regency: Provided nevertheless, that under the denomination of those agreements, conventions, and decisions, none be comprehended which were abrogated and annulled by his Imperial Majesty's august predecessors in the empire, or which strike at the supreme rights of the Emperor and the Empire over the province of East Friesland. And his Imperial and Catholick Majesty, as a farther proof of his most gracious intention to cut as short as justice will admit him, the examination of the grievances of the people of Embden, and their adherents, has already ordained by his resolution of the 31st of August last year, that as soon as the account thereof is delivered to those who are properly to take cognizance of the same, according to the tenour of the resolution above-mentioned, they shall answer it very soon, and once for all; after which his Imperial Majesty, with the advice of his Imperial Aulick council, will redress every complaint, article by article, which shall appear to be grounded on the agreements above-mentioned.

III. It having been already ordained, pursuant to his Imperial and Catholick Majesty's last resolution of the 31st of August, 1730, that the people of the town of Embden, and their adherents, ought to be admitted into the assembly of the States, which is to be called together to deliberate freely upon the affairs that lie before them; his

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Imperial and Catholick Majesty, will take care, that this resolution shall have its entire effect, and that none of those who have a right to assist therein be excluded, contrary to the tenor of it.

IV. As to the indemnification, his Imperial Majesty thinks it proper, that an account be taken of the damages, which according to the tenour of the amnesty published the        in the year 1728, and of the resolution of the 12th of September, 1729, ought to be made good by the Renitents; and that the said account be communicated to them, that they may make their objections: after which his Imperial and Catholick Majesty will cause the difference to be amicably adjusted, or on failure of an accommodation, will, with the utmost equity, fix the sum which shall be required to make good the damages sustained.

V. His Imperial and Catholick Majesty persists in the intention he always had to take particular care of the payment of the interest of the sums which the States of East Friesland, and of the town of Embden, have borrowed of the subjects of the United Provinces, as also of the reimbursement of the capital, according to the engagements entered into on that account.

*Another Treaty concluded at Vienna the 22d of July, 1731,  
between the Emperor of Great-Britain, and Spain.*

In the Name of the most Holy and Undivided Trinity.  
Amen.

**T**O all and every one whom it doth or may concern,  
Be it known, That different troubles having arisen, which seemed even to threaten the publick tranquillity, about the introduction of the Spanish garrisons into the strong places of Tuscany, Parma and Placentia, which his Catholick Majesty thinks it proper to guard with his own troops instead of Neutral, which were to have been there, pursuant to what had been agreed upon in the treaty of the Quadruple Alliance: In consequence whereof, his  
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Imperial and Catholick Majesty, and his Majesty the King of Great-Britain, to prevent the evils which might result therefrom, did formerly come to an agreement by the third article of the treaty, concluded and signed at Vienna the 16th of March this present year, and by two declarations thereunto annexed.

Now the said article, and the declarations thereon depending, having been communicated to his Majesty the Catholick King, according to his desire, and he having likewise seen that the said article and declarations tended only to render more secure to the Serene Infante Don Carlos his Son, the eventual succession to the Duchies of Tuscany, Parma and Placentia: In short, his said Catholick Majesty perceiving that the engagements entered into between him and his Majesty the King of Great-Britain, as they had been communicated to his Imperial and Catholick Majesty, and explained in the aforesaid declarations were entirely performed, he would not be wanting on his part, to do every thing in his power to establish the publick tranquillity on a surer foot.

To this end, on the part of his Sacred Imperial and Catholick Majesty, the most High Prince and Lord, Eugene, Prince of Piedmont and Savoy, actual Privy Counsellor to his said Imperial and Catholick Majesty, President of the Aulick Council of the Netherlands, and his Lieutenant General, Major General of the Holy Roman Empire, and his Vicar General in all the kingdoms and states of Italy, Colonel of a regiment of dragoons, and Knight of the Golden Fleece: and also the most illustrious and most excellent Lord, Philip Lewis, Hereditary Treasurer of the Holy Roman Empire, Count of Zinzendorf, Free Baron of Ernstbrunn, Lord of the lands of Gfol, the upper Selowitz, Porliz, Sabor, Mulzig, Lots, Zaan and Droskan, Burgrave of Reineck, Hereditary Master of the Horse, Great Cupbearer in Upper and Lower Austria on this side the Danube, Knight of the Golden Fleece, Chamberlain to his Imperial and Catholick Majesty, actual Privy Counsellor, and first Chancellor of the Court: together with the most illustrious and most excellent Lord Thomas Gundacker, Count of the Holy Empire, of Statemberg, Schaumburg and Wevermburg, Lord of the lands of Echelber,



Echelber, Lichtehneg, Rottenegg, Freystat, Haus, Ober-Walsee, Senftenberg, Bodendorff, Hatwan, Knight of the Golden Fleece, actual Privy Counsellor to his Imperial and Catholick Majesty, and Hereditary Marshal of the archduchy of Upper and Lower Austria: And lastly, the most illustrious and most excellent Lord, Joseph Lothaire, Count of the Holy Empire, of Konigsegg and Rothenfels, Lord of Aulenderff and Stauffen, actual Privy Counsellor to his Imperial and Catholick Majesty, Vice-president of the Aulic council of the Netherlands, General Field Marshal, Governor General of ———, Colonel of foot, and Knight of the order of the White Eagle in Poland. And on the part of his Majesty the Catholick King, the most illustrious and most excellent Lord James Francis Fitz-James, Duke of Liria and Xerica, Grandee of Spain of the first class, Knight of the Golden Fleece, of St. Andrew and St. Alexander of Russia, Alcalde-Major, first and perpetual Governor of the town of St. Philip, Chamberlain to his Majesty the Catholick King, Colonel, and his Minister Plenipotentiary to his said Imperial and Catholick Majesty. Lastly, on the part of his Majesty the King of Great-Britain, Thomas Robinson, Esq; Member of the parliament of Great-Britain, and his Minister to his said Imperial and Catholick Majesty. All which Ministers furnished with full power, after having conferred among themselves, and exchanged their said full powers, have agreed upon the articles and conditions following.

I. His sacred Majesty the Catholick King having maturely examined the thjrd article of the treaty concluded the 6th of March the present year, having likewise maturely examined the declarations mentioned above, which article and two declarations are on the point of being executed, he has declared that he not only desires nothing more, but that he entirely acquiesces therewith. And in order to remove all occasion of doubt or dispute, his said Majesty has given assurances, that he consents and is ready to do his part, immediately towards renewing and confirming, in all their articles, clauses, and conditions, as well the treaty of London, commonly called the Quadruple Alliance, concluded the second of August, 1718, as the

peace of Vienna in Austria, signed the seventh of June, 1725, between his Sacred Imperial and Catholick Majesty, and the Holy Roman Empire on the one part, and his said Sacred Majesty the Catholick King on the other part, excepting only with regard to what is mentioned in the above-mentioned article and declarations, concerning the change of the neutral garrisons into Spanish garrisons; which article, and declarations, have been approved by their said Majesties, and again corroborated by the present treaty. For this end his Sacred Majesty the Catholick King has declared, as he does declare by virtue of this present article, that the treaties above-named shall be deemed to be fully renewed and confirmed again, in the same manner as they are by the present article renewed, and again confirmed; And his Majesty the Catholick King promises, as well for himself as for his heirs and successors, and in particular for him of his male-heirs who is to enter into the possession of the aforesaid Duchies of Tuscany, Parma and Placentia, by right of succession, by virtue of the said treaties, and according to the tenor of the letters of eventual investiture, expedited the 9th of December 1723, in case the male line of the families of Medicis and Farneze should happen to be intirely extinct; or lastly, for him to whom that succession shall devolve hereafter, That as well his said Majesty as his heirs and successors, and in particular, he of his male descendents to whom the said succession shall devolve, shall engage, and be obliged to do and perform every thing in general contained in the two treaties above-mentioned.

II. His Sacred Imperial and Catholick Majesty, and his Sacred Majesty the King of Great-Britain, do likewise promise on their side, and bind themselves to his Sacred Majesty the Catholick King, his heirs and successors, that in favour to the male line of the present Queen of Spain, the said male line having been called to the succession of the Duchies of Tuscany, Parma and Placentia, by virtue of the treaties above-named, and according to the tenor of the letters of eventual investiture, they will entirely accomplish all that is settled in the said third article of the treaty, concluded the 16th of March the present year, and in the two declarations mentioned as above; all in like manner, as his

his Sacred Imperial and Catholick Majesty, and his Sacred Majesty the King of Great-Britain, consenting to renew the said treaty of Quadruple Alliance; and his Sacred Imperial and Catholick Majesty consenting also to renew the peace of the 7th of June 1725, concluded between his said Majesty, and the Holy Roman Empire on the one part, and his Sacred Majesty the Catholick King on the other part. Their said Majesties promise and engage for themselves, their heirs and successors, faithfully to perform in favour of his Majesty the Catholick King, his heirs and successors, all that they have engaged to do by virtue of their consent to renew, viz. his Sacred Imperial and Catholick Majesty every thing contained, as well in the Quadruple Alliance, as in the said treaty of peace concluded the seventh of June, 1725, and his Sacred Majesty the King of Great-Britain, every thing which he is engaged to do by the treaty of Quadruple Alliance.

III. Every thing which has hitherto been settled by the common and unalterable consent of the contracting parties, whether in relation only to the introduction of the Spanish troops, or to the introduction of the Serene Infante of Spain Don Carlos, into the Duchies of Parma and Placentia, according to the tenor of the treaty of Quadruple Alliance, is to serve as a rule in case the vacancy remain; in such manner, however, that in this last case, the said Serene Infante of Spain Don Carlos, or he who according to the fifth article of the Quadruple Alliance, shall be called to that eventual succession after him, may and ought to enter into possession of those Duchies, precisely in the manner expressed in the letters of eventual investiture, dispatched the 9th of December, 1723.

IV. Forasmuch as care has been taken to communicate long since, and at different times, to the Serene Princes the Great Duke of Tuscany, and the Duke of Parma and Placentia, who were then both living, every thing that had been regulated by the 5th article of the quadruple alliance, in favour of the Serene Infante of Spain, Don Carlos, or in favour of those who succeed to his rights, pursuant to the treaties above-mentioned, together with the fore-mentioned engagements between his Sacred Majesty the Catholick King and his Sacred Majesty the King



of Great-Britain: moreover, the above-mentioned third article of the treaty concluded at Vienna the 16th of March this year, and the two declarations thereto annexed, having likewise been communicated to the Great Duke of Tuscany's Minister, and to the Minister of Parma, both residing at the Imperial Court; and because there is nothing more capable of securing the publick tranquillity, than to remove at once all the obstacles and all the difficulties which might be started, and retard the execution of what has been agreed upon between the contracting parties: for these reasons, his Sacred Imperial and Catholick Majesty, and his Sacred Majesty the King of Great-Britain, have promised and obliged themselves, each for himself, both side, to try all manner of ways, as soon as the present treaty shall be signed, to engage also the Serene Duke of Tuscany to consent forthwith, not only to the introduction of Spanish troops so often mentioned, but also to whatever has been formerly regulated in favour of the male line of the present Queen of Spain, by the treaties, conventions, and declarations above cited; in such manner, however, that all that is above-mentioned shall not take place till after the mutual exchange of the ratifications, even though the Great Duke of Tuscany should give his consent to it sooner.

V. Furthermore, his Sacred Imperial and Catholick Majesty, and his Sacred Majesty the King of Great-Britain declare, that they desire nothing more than to see the Serene Great Duke of Tuscany acquiesce with every thing that has been settled in the treaties above-mentioned, for the preservation of his dignity and repose, as well as for his own safety and that of the States which he governs. Wherefore the said contracting powers promise and engage, not only to one another, but also to his Royal Highness, to look upon all and every point settled in the treaties above-mentioned to be renewed and confirmed, as well with regard to his dignity, as with regard to his safety, and that of the States which are under him: and they undertake to maintain, fulfil, or, as it is called, to guarantee them.

VI. And because for attaining to this end, and to finish the wholesome work which the contracting parties have under-

under

undertaken, viz. the entire establishment of the publick tranquillity, nothing has been thought of more importance than the accession of the Serene Great Duke to the present treaty; therefore the said contracting parties have judged it proper to invite his Royal Highness to the said accession, in the most friendly manner that can be, as they do expressly invite him by the present article; to the end that his Royal Highness concurring on his part to so advantageous a work, the publick tranquillity of Europe may be better secured.

VII. The present treaty shall be ratified and approved by his Sacred Imperial and Catholick Majesty, by his Sacred Majesty the Catholick King, and by his Sacred Majesty the King of Great-Britain; and the letters of ratification shall be communicated and exchanged at Vienna in Austria, in the space of two months, to be reckoned from the day of signing the present treaty, or sooner if it can be done.

In witness whereof, the Commissioners of his Imperial Majesty, in the quality of Ambassadors Plenipotentiaries extraordinary, and the Ministers of their Catholick and Britanick Majesties furnished in like manner with full powers, to give the necessary force to the present treaty, have signed it with their own hands, and sealed it with their seals. Done at Vienna in Austria, the 22d day of July, A. D. 1731.

(L. S.) *Eugene of Savoy.*

(L. S.) *P. L. Count of Sinzendorf.*

(L. S.) *G. Count of Staremberg.*

(L. S.) *J. L. Count of Königsegg.*

(L. S.) *J. Duke of Liria.*

(L. S.) *Thomas Robinson.*

*Convention between the Crowns of Great-Britain and Spain,  
concluded at the Pardo on the 14th of January, 1739,  
N. S.*

**W**Hereas differences have arisen, of late years, between the two crowns of Great-Britain and Spain, on account of the visiting, searching, and taking of vessels, the seizing of effects, the regulating of limits, and other grievances alledged on each side, as well in the West-Indies, as elsewhere; which differences are so serious, and of such a nature, that if care be not taken to put an entire stop to them for the present, and to prevent them for the future, they might occasion an open rupture between the said crowns; for this reason his Majesty the King of Great-Britain, and his Majesty the King of Spain, having nothing so much at heart as to preserve and corroborate the good correspondence, which has so happily subsisted, have thought proper to grant their full powers, viz. his Britannic Majesty to Benjamin Keene, Esq; his minister plenipotentiary to his Catholic Majesty, and his Catholic Majesty to Don Sebastian de la Quadra, Knight of the order of St. James, counsellor of state, and first secretary of state and of the dispatches; who after previously producing their full powers, having conferred together, have agreed upon the following articles.

#### Article I.

Whereas the ancient friendship, so desirable and so necessary for the reciprocal interest of both nations, and particularly with regard to their commerce, cannot be established upon a lasting foundation, unless care be taken, not only to adjust and regulate the pretensions for reciprocal reparation of the damages already sustained, but above all to find out means to prevent the like causes of complaint for the future, and to remove absolutely, and for ever, every thing which might give occasion thereto; it is agreed to labour immediately, with all imaginable application and diligence, to attain so desirable an end; and for that purpose there shall be named, on the part of their Britannic and Catholic Majesties respectively, immediately after



after the signing of the present convention, two ministers plenipotentiaries, who shall meet at Madrid within the space of six weeks, to be reckoned from the day of the exchange of the ratifications, there to confer, and finally regulate the respective pretensions of the two crowns, as well with relation to the trade and navigation in America and Europe, and to the limits of Florida and of Carolina, as concerning other points, which remain likewise to be adjusted; the whole according to the treaties of the years 1667, 1670, 1713, 1715, 1721, 1728, and 1729, including that of the assiento of negroes, and the convention of 1716; and it is also agreed, that the plenipotentiaries, so named, shall begin their conferences six weeks after the exchange of the ratifications, and shall finish them within the space of eight months.

#### Article II.

The regulation of the limits of Florida and of Carolina, which, according to what has been lately agreed, was to be decided by commissaries on each side, shall likewise be committed to the said plenipotentiaries, to procure a more solid and effectual agreement; and during the time that the discussion of that affair shall last, things shall remain in the aforesaid territories of Florida and of Carolina in the situation they are in at present, without increasing the fortifications there, or taking any new posts; and for this purpose, his Britannic Majesty and his Catholic Majesty shall cause the necessary orders to be dispatched immediately after the signing of this convention.

#### Article III.

After having duly considered the demands and pretensions of the two crowns, and of their respective subjects, for reparation of the damages sustained on each side, and all circumstances which relate to this important affair; it is agreed, that his Catholic Majesty shall cause to be paid to his Britannic Majesty the sum of ninety five thousand pounds sterling for a balance, which has been admitted as due to the crown and the subjects of Great Britain, after

deduction made of the demands of the crown and subjects of Spain ; to the above-mentioned sum, together with the amount of what has been acknowledged on the part of Great-Britain to be due to Spain on her demands, may be employed by his Britannic Majesty for the satisfaction, discharge, and payment of the demands of his subjects upon the crown of Spain ; it being understood, nevertheless, That it shall not be pretended, that this reciprocal discharge extends, or relates to the accounts and differences, which subsist, or are to be settled between the crown of Spain and the company of the asiento of Negros, nor to any particular or private contracts that may subsist between either of the two crowns, or their ministers with the subjects of the other, or between the subjects and subjects of each nation respectively ; with exception however of all pretensions of this class mentioned in the plan presented at Seville by the commissaries of Great-Britain, and included in the account lately made out at London, of damages sustained by the subjects of the said crown, and especially the three particulars inserted in the said plan, and making but one article in the account, amounting to one hundred nineteen thousand five hundred twelve piastres, three reals and three quartils of plate ; and the subjects on each side shall be entitled, and shall have liberty to have recourse to the laws, or to take other proper measures, for causing the abovesaid engagements to be fulfilled, in the same manner as if this convention did not exist.

#### Article IV.

The value of the ship called the Woolball, which was taken and carried to the port of Campechy in the year 1732, the Loyal Charles, the Dispatch, the George and the Prince William, which were carried to the Havana in the year 1737, and the St. James to Porto Rico in the same year, having been included in the valuation that has been made of the demands of the subjects of Great-Britain, as also several others that were taken before ; if it happens, that in consequence of the orders that have been dispatched by the court of Spain for the restitution of them, part, or the whole of them have been restored, the sums so received shall

shall be deducted from the 95,000*l.* sterling, which is to be paid by the court of Spain according to what is above stipulated: it being however understood, that the payment of the 95,000*l.* sterling shall not be, for that reason, in any manner delayed; saving that what may have been previously received shall be restored.

## Article V.

The present convention shall be approved and ratified by his Britannic Majesty and by his Catholic Majesty; and the ratifications thereof shall be delivered and exchanged at London within the space of six weeks, or sooner if it can be done, to be reckoned from the day of the signing.

In witness whereof, We the underwritten ministers plenipotentiaries of his Britannic Majesty and of his Catholic Majesty, by virtue of our full powers, have signed the present convention, and caused the seal of our arms to be affixed thereto. Done at the Pardo the 14th day of January, 1739.

B. Kerne  
(L. S.)

Sebastian de la Quadra,  
(L. S.)

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His Britannic Majesty's Full Power.

GEORGE R.

GEORGE the Second, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, Duke of Brunswic and Lunenburg, Arch-Treasurer of the Holy Roman Empire, and Prince Elector, &c. To all and singular to whom these presents shall come greeting. Whereas certain differences have arisen, of late years, between us, and our good brother the King of Spain, concerning the visiting and searching of merchant ships, and the seizing of them and of their goods and merchandizes, the regulation of limits, and other grievances alledged on each side, as well in the West-Indies,



Indies, as elsewhere; which, if care be not taken to put an end to them at present, and provision made that the like may not happen for the future; might at length occasion an open rupture. And whereas we have nothing so much at heart, as to take care, by settling the rights, on each side, according to the tenor of the treaties, and by removing, as much as can be done, all cause of complaint for the future, to establish and preserve, for ever, the friendship that has subsisted between us and the King of Spain; and whereas the aforesaid King of Spain has declared, That he will willingly concert with us the proper measures for obtaining so desirable an end: Know ye therefore, that we reposing special trust, in the fidelity, prudence, integrity and diligence of our trusty and well-beloved Benjamin Keene, Esq; our minister plenipotentiary at the court of the aforesaid Catholic King, have nominated, made, and appointed the said Benjamin Keene, as We do, by these presents, nominate, make and appoint him our true, certain and undoubted commissioner, procurator and plenipotentiary, giving and granting to him, all, and all manner of faculty, power and authority, together with general as well as special order, (so as the general do not derogate from the special, and so on the contrary) to meet, treat, confer and conclude for Us, and in Our name, with the minister or ministers furnished with sufficient power on the part of our good brother the Catholic King, of and upon such treaty or treaties, convention or conventions, as may most conduce to the above mentioned purposes, as also upon articles, whether secret or separate; and lastly, upon all things which shall seem most proper for promoting and perfecting the said work; and in our name to sign, and mutually to deliver, and receive, what shall be so concluded and agreed, and to do and perform all other things necessary to be done, in as ample manner and form, as We Ourselves, were We present, would do and perform; engaging and promising on Our royal word, that whatever shall be concluded by our said commissioner, procurator, and plenipotentiary, We will ratify, approve, and accept it all in the best manner; and that We will never suffer any person to violate the same in the whole, or in part, or to act contrary thereto.

thereto. In witness and confirmation of all which, We have caused our great seal of Great-Britain to be affixed to these presents, signed with our royal hand. Given at our palace at St. James's, the ninth day of the month of November, in the year of our Lord, one thousand seven hundred and thirty-eight, and of our reign the twelfth.

His Catholick Majesty's Full Power.

**D**ON Philip, by the Grace of God, King of Castile, of Leon, of Arragon, of the Two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Mayorca, of Seville, of Sardinia, of Cordova, of Corfica, of Murcia, of Jaen, of the Algarves, of Algezira, of Gibraltar, of the Canary Islands, of the East and West Indies, Islands and Terra Firma, of the Ocean Sea, Archduke of Austria, Duke of Burgundy, of Brabant, and Milan, Count of Abspurg, of Flanders, Tirol and Barcelona, Lord of Biscay, and of Molina, &c. Whereas the differences arisen between this crown and that of England, by reason of the captures made by our guarda costas in America, visits, and other proceedings, of the limits of the dominions of both in those regions, and of other points equally worthy of examination and remedy, no less there than in Europe, did require a speedy, secure disposition to settle them all amicably. And whereas the King of Great-Britain, our good brother, has manifested to us his desire to concur to so salutary an end as that of quieting the two nations, by the means of a reciprocal agreement, to be preceded by a convention, wherein some difficulties, which might without this step obstruct it, should be removed: now there concurring in you Don Sebastian de la Quadra, Knight of the order of St. James, of our council of state, and our first secretary of state, and of the dispatch, the good qualities that are known to our experience and confidence, We do authorize and give you Our whole full power, as is justly requisite, in the best and most ample manner, to the end that you may, according to the rule of the treaties, discuss, dispose, determine and sign the said convention, with the separate or  
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secret articles that shall seem to you to be necessary for the rendering of them more clearly solid, and for the common utility of our kingdoms; and to the end that you may exchange and receive the instrument, or instruments, that shall be stipulated and made, by virtue of the above-mentioned convention, the which and all others besides that you shall treat, debate, determine and sign, We promise to fulfil and keep on the faith of Our royal word, and to command to be fulfilled and kept in the same manner, and with the same religious integrity; in pursuance whereof, I have ordered the present full power to be dispatched, signed with Our hand, sealed with Our secret seal, and counter-signed by our secretary of state and of the dispatch of favour and justice; at the Pardo, the 10th of January, 1739.

## I THE KING.

*Don Joseph Rodrigo.*

### First separate Article.

**WHEREAS** it has been agreed by the first article of the convention, signed this day, between the ministers plenipotentiaries of Great-Britain and Spain, that there shall be named on the part of their Britannick and Catholick Majesties respectively, immediately after the signing the abovesaid convention, two ministers plenipotentiaries, who shall meet at Madrid within the space of six weeks, to be reckoned from the day of the exchange of the ratifications; their said Majesties, to the end that no time may be lost in removing, by a solemn treaty, which is to be concluded for that purpose, all cause of complaint for the future, and in establishing, thereby, a perfect good understanding, and a lasting friendship, between the two crowns, have named, and do by these presents name, viz. His Britannic Majesty, Benjamin Keene, Esq; his said Majesty's minister plenipotentiary to his Catholick Majesty, and Abraham Castres, Esq; his said Britannick Majesty's consul general at the court of his Catholick Majesty, his plenipotentiaries for that purpose; and



and his Catholic Majesty, Don Joseph de la Quintana, his counsellor in the supreme council of the Indies, and Don Stephen Joseph de Abaria, knight of the order of Calatrava, counsellor in the same council, and superintendant of the chamber of accounts, who shall be immediately instructed to begin the conferences: and whereas it has been agreed by the 3d article of the convention signed this day, that the sum of ninety five thousand pounds sterling, is due on the part of Spain, as a balance to the crown and subjects of Great-Britain, after deduction made of the demands of the crown and subjects of Spain: his Catholick Majesty shall cause to be paid at London, within the term of four months, to be reckoned from the day of the exchange of the ratifications, or sooner if it be possible, in money, the above-mentioned sum of ninety five thousand pounds sterling, to such persons as shall be authorized, on the part of his Britannick Majesty, to receive it.

This separate article shall have the same force, as if it was inserted word for word in the convention signed this day; it shall be ratified in the same manner, and the ratifications thereof shall be exchanged at the same time as those of the said convention.

In witness whereof, We the under-written ministers, plenipotentiaries of his Britannick Majesty, and of his Catholick Majesty, by virtue of our full powers, have signed this separate article, and have caused the seals of our arms to be affixed thereto. Done at the Pardo, the 14th day of January, 1739.

B. Kerne,  
(L. S.)

Don Sebastian de la Quadra.  
(L. S.)

#### Second Separate Article.

**W**HEREAS the under-written ministers plenipotentiaries of their Britannick and Catholick Majesties have this day signed, by virtue of full powers from the Kings their masters for that purpose, a convention for settling

ting and adjusting all the demands, on each side, of the crowns of Great-Britain and Spain, on account of seizures made, ships taken, &c. and for the payment of a balance that is thereby due to the crown of Great-Britain; it is declared, that the ship called the *Succes*, which was taken on the 14th day of April, 1738, as she was coming out from the island of Antigua, by a Spanish guarda costa, and carried to Porto Rico, is not comprehended in the aforesaid convention; and his Catholick Majesty promises, that the said ship and its cargo shall be forthwith restored, or the just value thereof, to the lawful owners; provided that, previous to the restitution of the said ship the *Succes*, the person or persons interested therein do give security at London to the satisfaction of Don Thomas Geraldino, his Catholick Majesty's minister plenipotentiary, to abide by what shall be decided thereupon by the ministers plenipotentiaries of their said Majesties, that have been named for finally settling, according to the treaties, the disputes which remain to be adjusted between the two crowns; and his Catholick Majesty agrees, as far as shall depend upon him, that the above-mentioned ship the *Succes* shall be referred to the examination and decision of the plenipotentiaries; his Britannick Majesty promises likewise to refer, as far as shall depend upon him, to the decision of the plenipotentiaries, the brigantine *Santa Theresa*, seized in the port of Dublin in Ireland, in the year 1735. And the said under-written ministers plenipotentiaries declare by these presents, that the 3d article of the convention, signed this day, does not extend, nor shall be construed to extend to any ships or effects that may have been taken or seized since the 10th day of December, 1737, or may be hereafter taken or seized; in which cases justice shall be done according to the treaties, as if the aforesaid convention had not been made; it being however understood, that this relates only to the indemnification and satisfaction to be made for the effects seized, or prizes taken, but that the decision of the cases, which may happen, in order to remove all pretext for dispute, is to be referred to the plenipotentiaries, to be determined by them according to the treaties.

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This separate article shall have the same force, as if it was inserted word for word in the convention signed this day; it shall be ratified in the same manner, and the ratifications thereof shall be exchanged at the same time as those of the said convention.

In witness whereof, We the under-written ministers plenipotentiaries of his Britannick Majesty, and of his Catholick Majesty, by virtue of our full powers, have signed the present separate article, and have caused the seals of our arms to be affixed thereto, Done at the Pardo, January the 14th, 1739.

B. Keene,  
(L. S.)

Sebastian de la Quadra,  
(L. S.)

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His Britannick Majesty's Ratification of the Convention.

**G**EORGE the Second, by the Grace of God, of Great-Britain, France and Ireland, King, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch-Treasurer of the Holy Roman Empire, and Prince Elector, &c. To all and singular to whom these presents shall come, greeting. Whereas a certain convention between Us, and our good brother Philip the Fifth, Catholick King of Spain, was concluded and signed by our minister plenipotentiary Benjamin Keene, Esq; and by the minister plenipotentiary of our good brother, the aforesaid Catholick King, Don Sebastian de la Quadra, Knight of the order of St. James, counsellor of state of his said Catholick Majesty, and his first secretary of state and of the dispatch, at the palace called the Pardo, on the fourteenth day of this present month of January, N. S. The tenor whereof follows,

*Fiat Inscriptio.*

We having seen and considered the convention above-written, have approved, ratified, accepted and confirmed, as, by these presents, We do, for Us, our heirs and Successors,



cessors, approve, ratify, accept, and confirm the same, in all and singular its clauses, engaging and promising, upon Our royal word, sincerely and faithfully to perform and observe all and singular the things which are contained in the aforesaid convention, and never to suffer any person to violate them, or in any manner to act contrary thereto. In witness and confirmation of all which, We have caused our great seal of Great-Britain to be affixed to these presents, signed with Our royal hand. Given at our palace at St. James's, the twenty-fourth day of the month of January, in the year of our Lord one thousand seven hundred thirty  $\frac{1}{2}$ , and of our reign the twelfth.

GEORGE R.

His Catholick Majesty's Ratification of the Convention.

**D**ON Philip, by the Grace of God, King of Castile, of Leon, of Arragon, of the Two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of the Algarbes, of Algezira, of Gibraltar, of the Canary islands, of the East and West Indies, islands and Terra Firma of the Ocean Sea, Arch-Duke of Austria, Duke of Burgundy, of Brabant and Milan, Count of Absburg, of Flanders, Tirol and Barcelona, Lord of Biscay and of Molina, &c. Whereas there has been adjusted, concluded and signed at the royal seat of the Pardo, on the fourteenth of the present month and year, between our minister plenipotentiary Don Sebastian de la Quadra, Knight of the order of St. James, of our council of state, and our first secretary of state, and of the dispatch. and Mr. Benjamin Keene, minister plenipotentiary from the King of Great-Britain, our good brother, a convention, which is of the tenor following.

*Fiat Insertio.*

Now we do approve and ratify all that is comprehended in the convention above-mention'd, and being thus approved

proved and ratified in the most ample manner that we are able, We promise, on the faith and word of a king, to observe it and keep it, and to command it to be executed and fulfilled in the same manner, as if We had treated it in our own person, without doing, or letting be done, in any manner whatsoever, or permitting to be done any thing to the contrary; and that, if it should be done, We will order it to be repaired in effect, without difficulty or delay. In witness whereof we give this present, signed with our hand, sealed with our secret seal, and countersigned by our underwritten counsellor of state, and first secretary of state, and of the dispatch. Given at the Pardo, the 15th of January, one thousand seven hundred and thirty-nine.

I THE KING.

*Sebastian de la Quadra.*

His Britannick Majesty's Ratification of the First  
separate Article.

**G**EORGE the Second, by the Grace of God, of Great-Britain, France and Ireland, King, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch-Treasurer of the Holy Roman Empire, and Prince Elector, &c. To all and singular, to whom these presents shall come, greeting. Whereas a certain separate article, entitled the first, belonging to the convention between Us and our good brother, Philip the Fifth, Catholick King of Spain, concluded and signed at the palace called the Pardo, on the fourteenth day of this present month of January, N: S. by our minister plenipotentiary Benjamin Keene, Esq; and by the minister plenipotentiary of our good brother the aforesaid Catholick King, Don Sebastian de la Quadra, Knight of the order of St. James, counsellor of state of his said Catholick Majesty, and his first secretary of state, and of the dispatch, was concluded and signed at the same place, and on the same day, the tenor whereof follows.

VOL. II.

E

We

*Fiat Inscriptio.*

We having seen and considered the above-written first separate article, have approved, ratified, accepted and confirmed, as by these presents, We do, for Us, our heirs and successors, approve, ratify, accept and confirm the same, engaging and promising, upon Our royal word, to perform and observe all and singular the things which are contained in the aforesaid separate article in like manner as the convention itself. In witness and confirmation of all which, We have caused our great seal of Great-Britain to be affixed to these presents, signed with Our royal hand. Given at our palace at St. James's, the twenty-fourth day of the month of January, in the year of our Lord one thousand seven hundred thirty <sup>eight</sup>/<sub>nine</sub>, and of our reign the twelfth.

GEORGE R.

His Britannick Majesty's Ratification of the Second  
separate Article.

**G**EORGE the Second, by the Grace of God, of Great-Britain, France and Ireland, King, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch-Treasurer of the Holy Roman Empire, and Prince Elector, &c. To all and singular to whom these presents shall come, greeting. Whereas a certain separate article, entitled the Second, belonging to the convention between Us, and our good brother Philip the Fifth, Catholick King of Spain, concluded and signed at the palace called the Pardo, on the fourteenth day of this present month of January, N. S. by our minister plenipotentiary, Benjamin Keene, Esq; and by the minister plenipotentiary of our good brother, the aforesaid Catholick King, Don Sebastian de la Quadra, Knight of the order of St. James, counsellor of state of his said Catholick Majesty, and his first secretary of state and of the dispatch, was concluded and signed at the same place, and on the same day, the tenor whereof follows:

*Fiat*



We having seen and considered the above-written Second separate article, have approved, ratified, accepted and confirmed, as, by these presents, We do, for Us, our heirs and Successors; approve, ratify, accept, and confirm the same, engaging and promising, upon Our royal word, to perform and observe all and singular the things which are contained in the aforesaid separate article, in like manner as the convention itself. In witness and confirmation of all which, We have caused our great seal of Great-Britain to be affixed to these presents, signed with Our royal hand. Given at our palace at St. James's, the twenty-fourth day of the month of January, in the year of our Lord one thousand seven hundred thirty<sup>eight</sup>, and of our reign the twelfth.

GEORGE R.

His Catholick Majesty's Ratification of the First  
separate Article.

**D**ON Philip, by the Grace of God, King of Castile, of Leon, of Arragon, of the Two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Mayorca, of Seville, of Sardinia, of Cordova, of Corfica, of Murcia, of Jaen, of the Algarbes, of Algezira, of Gibraltar, of the Canary islands, of the East and West Indies, islands and Terra Firma of the Ocean Sea, Arch-Duke of Austria, Duke of Burgundy, of Brabant and Milan, Count of Absburg, of Flanders, Tirol and Barcelona, Lord of Biscay and of Molina, &c. Whereas at the same time, that at the royal feast of the Pardo, on the fourteenth of the present month and year, there was a convention concluded and signed, between our minister plenipotentiary Don Sebastian de la Quadra, Knight of the order of St. James, our counsellor of state, and our first secretary of state, and of the dispatch, and the minister plenipotentiary of the King of Great-Britain, Mr. Benjamin Keene, there was also concluded and signed a separate article of the tenor following.

*Fiat Insertio.*

Now the same having been seen and examined, We have thought fit to approve it and ratify it, (as by virtue of this present, We do approve and ratify it) in the best and most ample manner that We are able, according, and as it is mentioned and expressed therein; promising on the faith of our royal word, to fulfil it entirely, and that it shall have the same vigour and force as if it had been inserted in the said convention. In witness whereof, We have ordered this present to be dispatched, signed with Our hand, sealed with Our secret seal, and counter-signed by our under-written counsellor of state, and first secretary of state and of the dispatch. Given at the Pardo, the 15th of January, one thousand seven hundred and thirty-nine.

I THE KING.

*Sebastian de la Quadra.*His Catholick Majesty's Ratification of the Second  
separate Article.

**D**ON Philip, by the Grace of God, King of Castile, of Leon, of Arragon, of the Two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Mayorca, of Seville, of Sardinia, of Cordova, of Corfica, of Murcia, of Jaen, of the Algarves, of Algezira, of Gibraltar, of the Canary Islands, of the East and West Indies, Islands and Terra Firma, of the Ocean Sea, Archduke of Austria, Duke of Burgundy, of Brabant, and Milan, Count of Abspurg, of Flanders, Tirol and Barcelona, Lord of Biscay, and of Molina, &c. Whereas at the same time, that at the royal seat of the Pardo, on the fourteenth of the present month and year, there was a convention concluded and signed between our minister plenipotentiary Don Sebastian de la Quadra, Knight of the order of St. James, our counsellor of state, and our first secretary of state and of the dispatch, and the minister plenipotentiary of the King of Great-Britain, Mr. Benjamin

Benjamin Keene, there was also concluded and signed a separate article, of the tenor following.

*Fiat Insertio.*

Now the same having been seen and examined, We have thought fit to approve it and ratify it, (as by virtue of this present, We do approve and ratify it) in the best and most ample manner that we are able, according, and as it is mentioned and expressed therein; promising on the faith of our royal word, to fulfil it entirely, and that it shall have the same vigor and force as if it had been inserted in the said convention. In witness whereof, We have ordered this present to be dispatched, signed with our hand, sealed with our secret seal, and counter-signed by our under-written counsellor of state, and first secretary of state and of the dispatch. Given at the Pardo, the 15th day of January, one thousand seven hundred and thirty-nine,

I THE KING.

*Sebastian de la Quadra.*

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*The definitive Treaty of Peace, Union, Friendship, and Mutual Defence, between the Crowns of Great Britain, Hungary, and Sardinia, concluded at Worms on the 11th of September, 1743.*

GEORGE the Second, by the grace of God, King of Great-Britain, France, and Ireland, Defender of the Faith, Duke of Brunswick, and Lunenburg, Arch-Treasurer, and Prince Elector of the Holy Roman Empire, &c. To all and singular to whom these presents shall come, greeting. Whereas the Ministers plenipotentiary, as well on our part, as on the part of our good Brother the King of Sardinia, &c. and of our good Sister the Queen of Hungary and Bohemia, &c. being assembled at Worms, and sufficiently authorized thereto, did conclude, and sign a certain treaty of mutual friendship and perpetual alli-



ance, on the 1<sup>st</sup> day of the present month of September, in the form and words following.

In the Name of the most Holy Trinity.

**B**E it known to all, and every one, to whom it appertains, or may appertain, in any manner whatsoever.

Forasmuch as the disturbances, which, upon the decease of the Emperor Charles the Sixth, of glorious memory, without male issue, arose in Germany, notwithstanding the express tenor of the most solemn and recent treaties of peace and alliance, corroborated by the authentick guaranty of the body of the Empire, which do assure to his eldest daughter, and to her posterity, the entire and indivisible succession to his hereditary dominions, do manifestly tend to the overthrow of all balance in Europe, and do expose its liberty, and that of its commerce, to the most evident danger: which danger is still increased by the conquest which the Kings of Spain and Naples have openly undertaken to make of the dominions possessed by the most Serene House of Austria in Italy, contrary to the faith of their own engagements; after which, the rest of Italy would no longer be able to resist them, and all the coasts of the Mediterranean sea would be under subjection to one and the same family.

To obviate, as much as in them lies, such imminent evils, and an enterprize, whose consequences would be so fatal to all the Princes and States of Italy, to their liberty and commerce, and to that of the maritime powers in the Mediterranean Sea, the most Serene and most potent Prince George the Second, King of Great-Britain, Elector of Brunswick, Lunenburg, &c. the most Serene and most potent Princess Maria Theresia, Queen of Hungary and Bohemia, Archduchess of Austria, &c. and the most serene and most potent Prince Charles Emanuel King of Sardinia, Duke of Savoy, &c. having such an essential interest in the preservation of a just balance in Europe, on which depends the liberty of Europe, and in the maintenance of the liberty and security of Italy in particular, on which depends that of its commerce, and of the commerce of the Mediterranean,

terranean, have resolved to enter into a closer and more inseparable union, in this fixt intention, and to persevere inviolably in joining their forces and counsels in order to obtaining the effect desired therefrom, and more especially for the sake of repelling, with one accord, the unjust invasion made by the Kings of Spain and Naples, and for securing Italy, if possible, for the future, from all attempts of the same kind.

In this view, and in order to prevent the said invasion, without loss of time, his Majesty the King of Sardinia did enter, from the 1st day of February, 1742, into a provisional convention with her Majesty the Queen of Hungary, the tenor whereof is as follows.

As it is sufficiently evident, that the motions of the Spanish troops, which having landed in the States of the Præsidii, are advancing in the dominions of the Pope, in order to join those of Naples, and from thence to pursue their march as far as Imola, are bent, according to certain intelligence, towards Lombardy, and must necessarily very much affect his Majesty the King of Sardinia, as well as her Majesty the Queen of Hungary and Bohemia, their Majesties have thought, by the means of the Marquis d'Ormea and of the Count de Schulenbourg (they being respectively provided with the necessary full powers) of concerting and agreeing upon the following articles, under the hopes of their being ratified and accepted.

#### Article I.

The forces of her Majesty the Queen of Hungary alone, which are now in Italy, appearing sufficient to make head against the aggressors, they shall be brought together, in order to march towards them, and to give an immediate check to their progress, and particularly in order to cover the States of Modena, and Mirandola, which are as it were, a bulwark to the dominions of the Queen of Hungary in Italy.

#### Article II.

The said King of Sardinia shall, in the mean while, have a considerable body of his troops upon the frontiers

of his dominions towards the borders of the Milanese, and of the Duchy of Placentia, which shall be disposed in such a manner, as that they may be brought together in a short time; and in case the forces of the aggressors should come to be augmented, and that there should be cause to fear a new invasion on any other side, as is probable, according to the advices that have been received, that a second convoy of Spanish troops has already set sail at Barcelona, and that they are to land in the harbour of La Spezia, his Majesty shall then co-operate with all his forces for preventing the body of Austrian troops, which shall have marched forward, from being either taken in flank, or intercepted by that new reinforcement of Spanish troops; and to this end, all the passages in the States above-mentioned, and principally, the places of Parma, Placentia, and Pavia, shall remain free and open to the King's troops for their convenience and security,

#### Article III.

As to what relates to further motions, and such other military operations, as might be afterwards undertaken, as they must depend upon the circumstances which fall out from day to day, it is necessary to refer them to the concert which shall be entered into, in proportion to the circumstances which shall happen; and for this purpose, his Majesty the King of Sardinia shall send one of his general officers to the army of her Majesty the Queen of Hungary, and her Majesty the Queen of Hungary shall send one of her's likewise to reside with his Majesty the King of Sardinia: To which general officers shall be reciprocally communicated, all the advices that shall be received about the enemy; and all the resolutions which shall be taken on either side shall be concerted with them.

#### Article IV.

Nothing being so necessary towards obtaining the end desired on each side, as the reciprocal security of the respective possessions, and rights, and a confidence in the good faith of the parties, who are to co-operate towards the same end, his Majesty the King of Sardinia promises,  
upon



upon the faith and word of a Prince, to her Majesty the Queen of Hungary; First, That, for as long time as the present provisional agreement shall last, he will not avail himself of his pretended rights to the state of Milan, which are not entered into in this provisional convention, forasmuch as the Queen of Hungary cannot admit them, and the King of Sardinia on the contrary thinks them founded; and Secondly, That if it should be necessary that his said Majesty should enter, with his forces, into any one of the states above-mentioned, he will not exercise in the same any act of sovereignty, and will not in any wise hinder the Queen of Hungary from continuing to exercise them in the manner, that that princess has done it hitherto; neither will his Majesty exact any contribution, and will content himself in the said case with being furnished with such things as are indispensably requisite to an army; as for instance, forage, wood, quarters, carts, beds, caserns, and straw, the rations whereof shall be regulated upon the foot on which they are usually allowed to his troops; as also horses, mules, and oxen, for the use of the artillery, and victuals.

#### Article V.

On the other hand, her Majesty the Queen of Hungary declares in the like solemn manner, that it is not her meaning, that the abovesaid promises of his Majesty the King of Sardinia, nor the execution of them, should prejudice the rights by him pretended to the state of Milan, nor ever to avail herself of them, so as to infer from thence that the said rights were no longer subsisting; the intention of the two high contracting parties being to preserve to each of them their respective rights in their full force, in such manner as they may appertain to them, independently of the present convention.

#### Article VI.

And it is likewise in this view, that his Majesty the King of Sardinia reserves to himself expressly the entire liberty of availing himself of his said rights, at whatever time,

time, and by whatever means, either by himself singly, or by such alliance as he shall judge to be most for his convenience.

#### Article VII.

But as his Majesty does not mean to acquire any advantage by the said reservation, and designs to proceed with all the good faith, which is natural to him, he promises and engages, in the case above-mentioned, not to act himself, nor to permit any prince, with whom he might be allied, to act, (which his Majesty will take care to stipulate as a principal condition, in any treaty whatsoever, which he might conclude) sooner than after the space of one month, from the time that he shall have caused notice to be given by the means of the general officer, which he shall have at the Queen of Hungary's army, to the end that the commanding officer of the Austrian troops, being thus put upon his guard, may take such measures and resolutions, as he shall judge most for his advantage.

#### Article VIII.

Moreover the King of Sardinia promises, in that case, to make his troops evacuate all the dominions of the Queen of Hungary, and all the places and posts, which he should have taken possession of during the present provisional agreement, without carrying any thing off, to the end that the troops of the aforesaid Queen, may, during the said month, retake, freely, and without any hindrance, the posts which they shall think proper.

#### Article IX.

The present convention shall be ratified by the King of Sardinia and by the Queen of Hungary, and the acts of ratification shall be exchanged within the term of twenty days.

#### Article X.

During the said term, the King of Sardinia shall not understand himself to be obliged to cause his troops to en-

ter into the states possessed by the Queen of Hungary; and if, after the expiration of the said term, the Queen should not have sent her ratification, so that for want of it, the present convention should remain without effect, nevertheless the King shall not, in that case, cause his troops to enter into the above-mentioned states, during the term of other ten days, neither during that term shall he give any hindrance to the free return of the Austrian troops into the same states, and into such posts as the Queen of Hungary's generals shall judge to be most convenient.

In witness whereof, we the underwritten plenipotentiaries have signed the present convention, &c. at Turin, the first of February, 1742.

In consequence of this convention, his Majesty the King of Sardinia did immediately join a considerable body of his troops to those of the said Queen, his Majesty the King of Great-Britain having sent a strong squadron to co-operate for the maintenance of the liberties of Italy.

In order not to leave fruitless so great expences, and to secure still farther, and to accelerate, for the present, the entire execution of so necessary and just a resolution, and in order likewise to perpetuate the effect of it for the times to come, their said Majesties have authorized, and do authorize their ministers plenipotentiary to make an immediate regulation of the particulars and of the conditions, viz. His Majesty the King of Great-Britain, his privy-counsellor John Lord Carteret, Baron of Hawnes, one of his principal secretaries of state, &c. His Majesty the King of Sardinia, the Chevalier Ossorio, Chevalier Grande Croix, and Grand Conservator of the religious and military orders of the Saints Maurice and Lazarus, envoy extraordinary and minister plenipotentiary of his said Majesty to his Majesty the King of Great-Britain. And her Majesty the Queen of Hungary and Bohemia, the Sieur Ignatius John de Wasner, her minister plenipotentiary to his said Britannick Majesty; who, after having communicated to each other their respective full powers, and having maturely



turely conferred together, have agreed upon the following articles.

### Article I.

There shall be, from the present time, and for all times to come, between his Majesty the King of Great-Britain, her Majesty the Queen of Hungary and Bohemia, and his Majesty the King of Sardinia, a close friendship, and sincere, perpetual, and inviolable alliance, by virtue of which they shall be obliged to support, defend, and succour each other reciprocally and constantly, to be attentive to the security each of the other, as to their own, to procure all advantages, and to keep off all damage and prejudice from one another to the utmost of their power,

### Article II.

To this end the allies engage themselves afresh to a most express guaranty of all the kingdoms, states, countries, and dominions, which they are now in possession of, or ought to possess by virtue of the treaty of alliance made at Turin in 1703: Of the treaties of peace of Utrecht and Baden: Of the treaty of peace and alliance, commonly called the Quadruple alliance: Of the treaty of pacification and alliance concluded at Vienna the 16th of March, 1731: Of the act of guaranty given in consequence thereof, and passed into a law of the empire, the 11th of January, 1732: Of the act of accession, signed likewise in consequence of the said treaty, at the Hague the 20th of February, 1732: Of the treaty of peace signed at Vienna, the 18th of November, 1738; and of the accession thereto, done and signed at Versailles the 3d of February, 1739: All which treaties are fully recalled and confirmed here, forasmuch as they may concern the Allies, and as far as they have not derogated from them by the present treaty.

### Article III.

In conformity to the guaranty contained in the foregoing article, and to the end that no subject of dispute may remain between the two most serene houses of Austria and Savoy, his Majesty the King of Sardinia, for himself, his

heir

heirs and successors, renounces by name, and for ever, but solely in favour of her Majesty the Queen of Hungary and Bohemia, and of her heirs and successors, to his pretended rights upon the state of Milan; which rights, though never admitted on the part of the Queen, he had reserved to himself, by the provisional convention, the liberty of availing himself of. And besides, his Majesty the King of Sardinia engages himself formally and specially to the guaranty of the order of succession established in the said most serene house, by the Pragmatick Sanction, in the same manner as it is set forth in the treaty of pacification and alliance made at Vienna the 16th of March, 1731, excepting however, that his said Majesty shall never be obliged to send succours out of Italy.

#### Article IV.

For this purpose his Majesty the King of Sardinia, who has already joined his troops to those of the Queen of Hungary, and who has already considerably augmented them, shall continue to concert and execute, jointly with her and her generals, all the measures and operations which shall be judged the most effectual for keeping off and repelling the invasion now made, or to be hereafter made, against the dominions of the said Queen, and for securing them from all danger, present and future, as much as possible.

#### Article V.

In order to attain this end, and as long as the present war shall last, her Majesty the Queen of Hungary engages not only to keep in Italy the number of troops which she has there now, but to augment them to the number of 30,000 effective men, as soon as the situation of affairs in Germany will permit it. And his Majesty the King of Sardinia engages to keep and employ the number of 40,000 foot, and 5000 horse, comprehending in it what will be necessary for the garrisons, and defence of his own dominions.

#### Article VI.

His Majesty the King of Sardinia shall have the supreme command of the allied army, when he shall be there in person

person, and he shall regulate the military motions and operations of it, in concert with her Majesty the Queen of Hungary, according as the common interest and occasions shall require.

#### Article VII.

As long as it shall be necessary towards favouring and seconding those operations, and as long as the danger of the allies, and of Italy, shall demand it, his Majesty the King of Great-Britain engages to keep in the Mediterranean Sea a strong Squadron of ships of war, and Bomb vessels, and fire-ships, the admiral and commanders whereof shall have orders to concert constantly and regularly with his Majesty the King of Sardinia, or with his generals, and with those of her Majesty the Queen of Hungary, who shall be nearest at hand, the most proper measures for the service of the common cause.

#### Article VIII.

Moreover, and in order to assist in bearing the extraordinary expence which his Majesty the King of Sardinia is and will be obliged to support, for raising, and causing to act, a much greater number of troops than his own revenues can maintain, his Majesty the King of Great-Britain engages to furnish to him, for as long as the war, and the occasion for it shall continue; a subsidy of two hundred thousand pounds sterling per annum, to be paid every three months, and to commence from the 1st of February, 1742, New Style, being the day upon which the provisional convention was signed between the said King and her Majesty the Queen of Hungary; and the said Subsidy shall be punctually paid from three months to three months in advance; provided however, that what shall have been advanced to his Majesty the King of Sardinia, before the signature of the present treaty, shall be reckoned into it.

#### Article IX.

In consideration of the zeal, and generosity, with which his Sardinian Majesty has been willing to expose his person,



son, and his dominions, for the publick cause, and for that of her Majesty the Queen, of Hungary and Bohemia, and of the most Serene house of Austria in particular, and of the effectual succours, which the said cause has already received from him; in consideration also of the burthensome engagements of assistance, and of the perpetual tie of guaranty, which he contracts with her, by the present alliance, her said Majesty the Queen of Hungary and Bohemia, for herself, her heirs and successors, yields, and transfers, from this present time and for ever, to his said Majesty the King of Sardinia, his heirs and successors, to be united to his other dominions, the district of Vigevano, called the Vigevnasco, the part of the dutchy of Pavia, which is between the Po and the Thesin, so that the Thesin shall for the future, by the middle of its stream, form the separation and limit between the respective dominions, from the Lago Maggiore, or greater lake, to the place where it falls into the Po, excepting only the island formed by the canal over-against the city of Pavia, which island shall be reserved to her Majesty the Queen, upon these conditions, that the King shall have nevertheless the free communication of the river Thesin for the passage of barks, without their being either stopt, visited, or subjected to the payment of any duty, and that the said canal shall never be filled up, and shall serve in this place for a limit. Moreover, that other part of the dutchy of Pavia, called the Pavese, beyond the Po, Bobbio, and its territory being reckoned into it, the city of Plaisance, with that part of the dutchy of Placentia, which is between the Pavese, and as far as the bed of the river Nura, from its source quite to the Po; in such manner that the middle, as well of the Nura as of the Po, do make in this part the limit of the two states; and consequently, that which has hitherto belonged to the dutchy of Placentia on the other side of the Po, do remain separated from it.

Lastly, That part of the county of Anghiera, or of the state of Milan, whatsoever particular name may be given to it, which borders upon the Novarese, the valley of Sesia, the Great Alps, and the country of Vallais, extending to the Swiss prefectures of Val Maggia and Locarno, and

and along the banks of, and in the Lago Maggiore, to the middle of the said lake, in such manner, that for the future the confines between the dominions of his Majesty the King of Sardinia, and those of her Majesty the Queen of Hungary, shall be continually fixed by a line drawn from the borders of the Swiss, in the middle, and all along the Lago Maggiore to the mouth of the Thesin, which line shall go from thence along the middle of the stream of that river to the place of its falling into the Po, excepting the front of the above-mentioned island before Pavia, and from thence go on along the middle of the course of the Po, to the place where the Nura falls into the Po, and go up by the middle of the bed of the Nura quite to its source, which is opposite to the country of Genoa.

The abovesaid division of the course of the rivers shall not prevent the navigation remaining free, as it is to remain to the subjects of the two sovereigns, in the whole breadth of the said rivers, with liberty to pass upon the banks on either side, for the towing of boats which go up stream, the said banks being nevertheless to appertain, as well with regard to the property, as in all other respects to the sovereigns respectively, on either side of the said rivers, who shall be allowed, each on their own side, to make such reparations as they shall judge necessary towards strengthening of them, provided that those reparations be not prominent, that is to say, that they may not force the stream of the river against the opposite side, and that, on the part of the King of Sardinia, it shall never be lawful, under any pretence whatsoever, to make such works as might prevent the free entry of the waters into the canal or Navilio, which is on the side of her Majesty the Queen of Hungary, and which conducts the said waters to Milan.

To enjoy the same in full property and sovereignty, as her Majesty the Queen and her predecessors have enjoyed them hitherto; which countries her Majesty the Queen dismembers for ever from her hereditary dominions, and from the state of Milan, derogating, for that purpose, as far as there can be occasion for it, from every thing that might in any manner be contrary thereto, saving always the direct jurisdiction of the empire.

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## Article X.

Besides, as it is of importance to the public cause, that his Majesty the King of Sardinia should have an immediate communication of his dominions with the sea, and with the maritime powers, her Majesty the Queen of Hungary and Bohemia, yields to him all the rights which she may have in any manner, and upon any title whatsoever, to the town and marquisate of Final, which rights she yields and transfers, without any restriction, to the said King, in the same manner as she does the countries described in the foregoing article; in the just expectation, that the republick of Genoa will facilitate, as far as shall be necessary, a disposition so indispensably requisite for the liberty and security of Italy, in consideration of the sum, which shall be found to be due to the said republick, without his Majesty the King of Sardinia, nor her Majesty the Queen of Hungary being obliged to contribute to the payment of the said sum, provided always, that the town of Final be and remain for ever a free port, as is Leghorn; and that it shall be allowable for his Majesty the King of Sardinia to re-establish there the forts which have been demolished, or to cause others to be built according as he shall judge convenient.

## Article XI.

His Majesty the King of Great-Britain, her Majesty the Queen of Hungary and Bohemia, and his Majesty the King of Sardinia, engage themselves not to make either peace or truce, without comprehending therein, in express words, all the above-mentioned cessions, and without stipulating also a full restitution to the King of Sardinia of every part of his other dominions, which may have been seized or occupied in hatred of his union with the allies; provided, that the King of Sardinia shall hold himself to be from this present time indemnified for the revenue which might be so withheld from him, by that of the countries yielded and transferred to him by the present treaty.

## Article XII.

In return, his Majesty the King of Sardinia shall remain firmly and inseparably united and attached to the interests



and to the cause of the allies, not only for as long as the war may last in Italy, but to the conclusion of the peace in Germany, and of the peace between Great-Britain and Spain; and this is the principal condition, and sine qua non, of the cessions made to him above by the 9th and 10th articles of this treaty, which cessions shall not receive their full and irrevocable force, but from its entire accomplishment, after which the countries yielded to the said King, shall be deemed guarantied to him by the allies for ever, as his other dominions are.

#### Article XIII.

And as soon as Italy shall be delivered from enemies, and out of all apparent danger of being a-fresh invaded, her Majesty the Queen of Hungary shall not only be at liberty to withdraw part of her troops, but, if she requires it, his Majesty the King of Sardinia shall furnish her some of his own troops to be employed for the security of her Majesty's dominions in Lombardy, that so she may be able to make use of a greater number of her own in Germany, in like manner as, at the requisition of the King of Sardinia, the Queen of Hungary should cause some of her troops to pass into the dominions of the said King, if it were necessary, for defending the passages thereof, which an enemy's army should undertake to force, and for delivering from enemies all the dominions of his Majesty the King of Sardinia, and freeing them from any danger of a fresh invasion.

#### Article XIV.

In any case, the allies shall not make either peace, or truce, or accommodation whatsoever, with the common enemy, but in concert, and with the participation and advice one of the other, nor without the guaranty of such powers as should have a share in the pacification, for the possessions and acquisitions of the allies, as set forth in this treaty; and after the conclusion of the peace, the present alliance shall equally and unalterably subsist, as well for the security of its execution, as, in general, for the mutual and constant security of the allies.

Article

## Article XV.

His Majesty the King of Sardinia, and her Majesty the Queen of Hungary and Bohemia, in gratitude for the generous concern of his Britannick Majesty for the publick security, and for theirs, and for that of Italy in particular, do not only confirm to the British subjects the advantages of commerce and navigation, which they enjoy in their respective dominions, but promise to secure them still farther to them, and as far as it shall be found reasonable and practicable, by a specifick treaty of commerce and navigation, whenever his Britannick Majesty shall require it of them.

## Article XVI.

The Lords the States-General of the United Provinces being already under the same engagements towards the most serene House of Austria; and having the same interest with his Britannick Majesty in all the objects of the present treaty, the allies will jointly invite them to enter into this alliance, as a principal contracting party.

## Article XVII.

The other princes and states, who have at heart the peace, the liberty, and the security of Europe, of the Empire, and of Italy, and who will be willing to enter into the present alliance, shall be admitted into it.

## Article XVIII.

This treaty of alliance shall be ratified by all the allies, and the ratifications of it shall be exchanged within the space of six weeks, or sooner if possible.

In witness whereof, we the plenipotentiaries above-named have signed the present treaty with our own hands, and have set our seals with our coats of arms thereunto. Done at Worms, this  $\frac{2}{11}$  day of September, one thousand seven hundred and forty-three.

(L. S.) *Carteret.* (L. S.) *Offorio.* (L. S.) *DeWafner.*

We having seen and considered the treaty above-written, have approved and ratified it in all and singular its articles

and clauses, as we do by these presents approve and ratify the same for ourselves, our heirs and successors, undertaking and promising, upon our royal word, that we will religiously and inviolably perform and observe all and singular the things which are contained in it; and that we will never suffer, as much as in us lies, that they be violated by any body, or that any thing be done, in any manner whatsoever, to the contrary thereof. For the greater faith and corroboration of all which, we have commanded our great seal of Great-Britain to be set to these presents, signed by the hands of our guardians and justices of our kingdom of Great-Britain, and our lieutenants in the same. Given at Westminster the 20th day of September, in the year of our Lord, 1743, and of our reign the seventeenth.

Hardwicke, C.  
Harrington, P.  
Dorset.  
Grafton.  
Bolton.  
Montagu.

Holles Newcastle.  
Tweeddale.  
Winchelsea.  
Ilay.  
H. Pelham.

*The Definitive Treaty of Peace and Friendship, between his Britannick Majesty, the most Christian King, and the States General of the United Provinces. Concluded at Aix la Chapelle the 18th Day of October N. S. 1748.*

In the Name of the most holy and undivided Trinity, the Father, Son, and Holy Ghost.

**B**E it known to all those, whom it shall or may concern, in any manner whatsoever. Europe sees the day, which the Divine Providence had pointed out for the re-establishment of its repose. A general peace succeeds to the long and bloody war, which had arose between the most serene and most potent Prince George II. by the Grace of God, King of Great-Britain, France, and Ireland, Duke of Brunswick and Lunebourg, Arch-Treasurer and Elector



of the Holy Roman Empire, &c. and the most Serene and most potent Princess Mary Theresia, by the Grace of God, Queen of Hungary and Bohemia, &c. Empress of the Romans, on the one part; and the most Serene and most potent Prince Lewis XV. by the Grace of God, the most Christian King, on the other; as also between the King of Great-Britain, the Empress Queen of Hungary and Bohemia, and the most Serene and most potent Prince Charles Emanuel III. by the Grace of God, King of Sardinia, on the one part, and the most Serene and most potent Prince Philip V. by the Grace of God, King of Spain and the Indies, (of glorious memory) and after his decease, the most Serene and most potent Prince Ferdinand VI. by the Grace of God, King of Spain and the Indies, on the other; In which war the high and mighty Lords the States General of the United Provinces of the Low Countries had taken part, as auxiliaries to the King of Great-Britain; and the Empress Queen of Hungary and Bohemia; and the most Serene Duke of Modena, and the most Serene Republick of Genoa, as auxiliaries to the King of Spain. God, in his mercy, made known to all these powers, at the same time, the way which he had decreed for their reconciliation, and for the restoration of tranquility to the people, whom he had subjected to their government. They sent their ministers to Aix la Chapelle, where those of the King of Great-Britain, his most Christian Majesty, and of the States General of the United Provinces, having agreed upon preliminary conditions for a general pacification; and those of the Empress Queen of Hungary and Bohemia, of his Catholick Majesty, of the King of Sardinia, of the Duke of Modena, and of the Republick of Genoa, having acceded thereunto, a general cessation of hostilities, by sea and land, happily ensued. In order to compleat, at Aix la Chapelle, the great work of a peace, equally stable and convenient for all parties, the high contracting powers have nominated, appointed, and provided with their full powers, the most illustrious and most excellent Lords their Ambassadors extraordinary, and Ministers Plenipotentiary, viz. His Sacred Majesty the King of Great-Britain, John Earl of Sandwich, Viscount Hinchinbrook, Baron Montagu

of St. Neots, Peer of England, First Lord Commissioner of the Admiralty, one of the Lords regents of the kingdom, his Minister Plenipotentiary to the States General of the United Provinces, and Sir Thomas Robinson, Knight of the most honourable order of the Bath, and his Minister Plenipotentiary to his Majesty the Emperor of the Romans, and her Majesty the Empress Queen of Hungary and Bohemia.

His Sacred most Christian Majesty, Alphonso Maria Lewis Count de St. Severin of Arragon, Knight of his orders, and John Gabriel de la Porte du Theil, Knight of the order of our Lady of Mount Carmel, and of St. Lazarus of Jerusalem, Counsellor of the King in his councils, Secretary of the chamber, and of the cabinet of his Majesty, of the orders of the Dauphin, and of Mesdames of France.

Her Sacred Majesty the Empress Queen of Hungary and Bohemia, Wenceslaus Anthony Count of Kaunitz Rittberg, Lord of Effens, Stedefeldorff, Wittmund, Austerlitz, Hungrischbrod, Wite, &c. actual intimate Counsellor of State to their Imperial Majesties.

His Sacred Catholick Majesty, the Lord Don James Masfonedelima and Sotto Major, Gentleman of the bed-chamber to his Catholick Majesty, and Major General of his Forces.

His Sacred Majesty the King of Sardinia, Don Joseph Ossorio, Knight, Grand Croix and Grand Conservator of the military order of the Saints Maurice and Lazarus, and Envoy extraordinary of his Majesty the King of Sardinia to his Majesty the King of Great-Britain; and Joseph Borre Count Chavanne, his Counsellor of State, and his Minister to the Lords the States General of the United Provinces.

The High and Mighty Lords the States General of the United Provinces, William Count Bentinck, Lord of Rhoon and Pendrecht, one of the Nobles of the Province of Holland and West Friesland, Curator of the University of Leyden, &c. &c. &c. Frederick Henry Baron of Wassenaer, Lord of Catwyck and Zand, one of the Nobles of the Province of Holland and West Friesland, Hoog-Heemrade of Rhymland, &c. Gerard Arnout Hasselaer, Burgo-master and Counsellor of the city of Amsterdam, Director of the East-India company; John Baron of Borsele, First Noble

Noble and Representative of the nobility in the States, in the council and admiralty of Zealand, Director of the East-India company; Onno Zwiervan Haren, Grietman of West-Sterlingwerf, Deputy-Counsellor of the Province of Friesland, and Commissary General of all the Swiss and Grison troops in the service of the aforesaid States General, and respective Deputies in the assembly of the States General, and in the council of State, on the part of the Provinces of Holland and West Friesland, Zealand, and Friesland.

The most Serene Duke of Modena, the Sieur Count de Monzone, his Counsellor of State, and Colonel in his service, and his Minister Plenipotentiary to his most Christian Majesty.

The most Serene Republick of Genoa, the Sieur Francis Marquis Doria.

Who, after having communicated their full powers to each other, in due form, copies whereof are annexed at the end of this present treaty; and having conferred on the several objects, which their Sovereigns have judged proper to be inserted in this instrument of general pacification, have agreed to the several articles, which are as follow.

#### Article I.

There shall be a Christian, universal and perpetual peace, as well by sea as land, and a sincere and lasting friendship between the eight powers above-mentioned, and between their heirs and successors, kingdoms, states, provinces, countries, subjects and vassals, of what rank and condition soever they may be, without exception of place or persons. So that the high contracting powers may have the greatest attention to maintain between them and their said states and subjects, this reciprocal friendship and correspondence, not permitting any sort of hostilities to be committed, on one side or the other, on any cause, or under any pretence whatsoever; and avoiding every thing that may, for the future, disturb the union happily re-established between them; and, on the contrary, endeavouring to procure, on all occasions, whatever may contribute to their mutual glory, interests and advantage, without giving any assistance or protection, directly or indirectly, to those



who would injure or prejudice any of the contracting parties.

II. There shall be a general oblivion of whatever may have been done or committed during the war, now ended. And all persons, upon the day of the exchange of the ratifications of all the parties, shall be maintained or re-established in the possession of all the effects, dignities, ecclesiastical benefices, honours, revenues, which they enjoyed, or ought to have enjoyed, at the commencement of the war, notwithstanding all dispossessions, seizures, or confiscations, occasioned by the said war.

III. The treaties of Westphalia of 1648; those of Madrid, between the crowns of England and Spain, of 1667, and 1670; the treaties of peace of Nimegen of 1678, and 1679; of Ryswick of 1697; of Utrecht of 1713; of Baden of 1714; the treaty of the Triple Alliance of the Hague of 1717; that of the Quadruple Alliance of London of 1718; and the treaty of peace of Vienna of 1738, serve as a basis and foundation to the general peace, and to the present treaty; and, for this purpose, they are renewed and confirmed in the best form, and as if they were herein inserted, word for word; so that they shall be punctually observed for the future in all their tenour, and religiously executed on the one side and the other; such points however, as have been derogated from in the present treaty, excepted.

IV. All the prisoners made on the one side and the other, as well by sea as by land, and the hostages required or given during the war, and to this day, shall be restored, without ransom, in six weeks at latest, to be reckoned from the exchange of the ratification of the present treaty; and it shall be immediately proceeded upon after that exchange: And all the ships of war, as well as merchant vessels, that shall have been taken since the expiration of the terms agreed upon for the cessation of hostilities at sea, shall be, in like manner, faithfully restored, with all their equipages and cargoes; and sureties shall be given on all sides for payment of the debts, which the prisoners or hostages may have contracted in the states, where they had been detained, until their full discharge.

V. All

V. All the conquests, that have been made since the commencement of the war, or which, since the conclusion of the preliminary articles, signed the 30th of April last, may have been or shall be made, either in Europe, or the East or West-Indies, or in any other part of the world whatsoever, being to be restored without exception, in conformity to what was stipulated by the said preliminary articles, and by the declarations since signed; the high contracting parties engage to give orders immediately for proceeding to that restitution, as well as to the putting the most serene Infant Don Philip in possession of the states, which are to be yielded to him by virtue of the said preliminaries, the said parties solemnly renouncing, as well for themselves as for their heirs and successors, all rights and claims, by what title or pretence soever, to all the states, countries and places, that they respectively engage to restore or yield; saving, however, the réversion stipulated of the States yielded to the most serene Infant Don Philip.

VI. It is settled and agreed, that all the respective restitutions and cessions in Europe shall be entirely made and executed on all sides in the space of six weeks, or sooner if possible, to be reckoned from the day of the exchange of the ratifications of the present treaty of all the eight parties above-mentioned; so that, within the same term of six weeks, the most Christian King shall restore, as well to the Empress Queen of Hungary and Bohemia, as to the States General of the United Provinces, all the conquests which he has made upon them during this war.

The Empress Queen of Hungary and Bohemia shall be put, in consequence hereof, in full and peaceable possession of all that she possessed before the present war in the Low Countries, and elsewhere, except what is otherwise regulated by the present treaty.

In the same time the Lords the States General of the United Provinces shall be put in full and peaceable possession, and such as they had before the present war, of the places of Bergen-op-Zoom and Maestricht, and of all they possessed before the said present war in Dutch Flanders, Dutch Brabant, and elsewhere:

And the towns and places in the Low Countries, the sovereignty of which belongs to the Empress Queen of Hungary

Hungary and Bohemia, in which their High Mightinesses have the right of garrison, shall be evacuated to the troops of the Republick, within the same space of time.

The King of Sardinia shall be in like manner, and within the same time, entirely re-established and maintained in the Dutchy of Savoy, and in the county of Nice, as well as in all the states, countries, places and forts conquered, and taken from him on occasion of the present war.

The most serene Duke of Modena, and the most serene Republick of Genoa, shall be also, within the same time, entirely re-established and maintained in the states, countries, places, and forts conquered and taken from them during the present war, conformably to the tenour of the 13th and 14th articles of this treaty, which relate to them.

All the restitutions and cessions of the said towns, forts and places, shall be made, with all the artillery and warlike stores, that were found there on the day of their surrender, during the course of the war, by the powers who are to make the said cessions and restitutions, and this according to the inventories which have been made of them, or which shall be delivered bona fide, on each side. Provided that, as to the pieces of artillery, that have been removed elsewhere to be new cast, or for other uses, they shall be replaced by the same number of the same bore, or weight in metal. Provided also, that the places of Charleroy, Mons, Athe, Oudenarde, and Menin, the outworks of which have been demolished, shall be restored without artillery. Nothing shall be demanded for the charges and expences employed in the fortifications of all the other places; nor for other publick or private works, which have been done in the countries that are to be restored.

VII. In consideration of the restitutions that his most Christian Majesty, and his Catholick Majesty make, by the present treaty, either to her Majesty the Queen of Hungary and Bohemia, or to his Majesty the King of Sardinia, the duchies of Parma, Placentia, and Guastalla shall, for the future, belong to the most serene Infant Don Philip, to be possessed by him and his male descendants, born in lawful

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lawful marriage, in the same manner, and in the same extent, as they have been, or ought to be, possessed by the present possessors; and the said most serene Infant, or his male descendants, shall enjoy the said three duchies, conformably and under the conditions expressed in the acts of cession of the Empress Queen of Hungary and Bohemia, and of the King of Sardinia.

These acts of cession of the Empress Queen of Hungary and Bohemia, and of the King of Sardinia, shall be delivered, together with their ratifications of the present treaty, to the Ambassador extraordinary and plenipotentiary of the Catholick King, in like manner as the ambassadors extraordinary and plenipotentiaries of the most Christian King and Catholick King, shall deliver, with the ratifications of their Majesties, to the ambassador extraordinary and plenipotentiary of the King of Sardinia, the orders to the generals of the French and Spanish troops to restore Savoy and the county of Nice to the persons appointed by that Prince to receive them; so that the restitution of the said states, and the taking possession of the duchies of Parma, Placentia, and Guastalla, by or in the name of the most serene Infant Don Philip, may be effected within the same time, conformably to the acts of cession, the tenor whereof follows.

**W**E Mary Theresia, &c. make known by these presents: Whereas, in order to put an end to the fatal war, certain preliminary articles were agreed upon the 30th of April of this year, between the ministers plenipotentiaries of the most serene and most potent Prince George II. King of Great-Britain, and the most serene and most potent Prince Lewis XV. the most Christian King, and their high Mightinesses the States General of the United Provinces, which have been since ratified by all the powers concerned. The tenor of the 4th article whereof is conceived in the following manner.

The duchies of Parma, Placentia, and Guastalla shall be yielded to the most serene Infant Don Philip to serve him, as an establishment, with the right of reversion to the present possessors, after that his Majesty the King of the

the Two Sicilies shall have succeeded to the Crown of Spain; as also in case the said most serene Infant Don Philip should happen to die without children.

And whereas a definitive treaty of peace having since been concluded, the several points relating to this affair, have been, by virtue of the articles thereof, explained by the common consent of the parties concerned, in the following manner.

In consideration of the restitutions, that his most Christian Majesty and his Catholick Majesty make, by the present treaty, either to her Majesty the Queen of Hungary and Bohemia, or to his Majesty the King of Sardinia, the duchies of Parma, Placentia, and Guastalla shall, for the future, belong to the most serene Infant Don Philip, to be possessed by him, and his male descendants born in lawful marriage, in the same manner, and in the same extent, as they have been or ought to be possessed by the present possessors; and the said most serene Infant, or his male descendants, shall enjoy the said three duchies, conformably and under the conditions expressed in the acts of cession of the Empress Queen of Hungary and Bohemia, and of the King of Sardinia.

These acts of cession of the Empress Queen of Hungary and Bohemia, and of the King of Sardinia, shall be delivered, together with their ratifications of the present treaty, to the ambassador extraordinary and plenipotentiary of the Catholick King, in like manner as the ambassadors extraordinary, and plenipotentiaries of the most Christian King and Catholick King shall deliver, with the ratifications of their Majesties, to the ambassadors extraordinary and plenipotentiaries of the King of Sardinia, the orders to the Generals of the French and Spanish troops to restore Savoy and the county of Nice, to the persons appointed by that Prince to receive them; so that the restitution of the said states, and the taking possession of the duchies of Parma, Placentia, and Guastalla, by or in the name of the most serene Infant Don Philip, may be effected in the same time, conformably to the said acts of cession.

Wherefore, in order to fulfil those things, to which we have bound ourselves by the articles before inserted, and in the firm hope, that the most Christian and Catholick Kings,  
and

and the future possessor of the aforesaid three duchies, and his male descendants will, on their part, bona fide, and punctually, fulfil the tenor of the articles above-mentioned, and will likewise restore to us, within the same time, the states and places which are to be restored to us, in consequence of the second and eighteenth articles of the same preliminaries, we do yield and renounce, for us and our successors, under the conditions expressed in the above-mentioned articles, all rights, claims, and pretensions to us under any title or cause whatsoever belonging, upon the aforesaid three duchies of Parma, Placentia, and Guastalla, formerly possessed by us; and to transfer the same rights, claims and pretensions, in the best and most solemn manner possible, to the most serene Don Philip Infant of Spain, and his male descendants, to be born in lawful marriage, absolving all the inhabitants of the said duchies from the allegiance and oath, which they have taken to us, who shall be obliged, for the future, to pay the same allegiance to those to whom we have yielded our rights; all which however is to be understood only for that space of time, that either the said most serene Infant Don Philip, or one of his descendants, shall not have ascended either the throne of the Two Sicilies, or of Spain; for at that time, and in case the aforesaid Infant should die without male descendants, we expressly reserve to ourselves, our heirs and successors, all rights, claims and pretensions, which have heretofore belonged to us, and consequently the right of reversion to the said duchies. In witness whereof, &c.

**CHARLES EMANUEL, &c.** The desire we have to contribute, on our part, to the most speedy re-establishment of the publick tranquility, which lately induced us to accede to the preliminary articles, signed the 30th of April last between the minister of his Britannick Majesty, his most Christian Majesty, and the Lords the States General of the United Provinces, which we did, on the 31st of May last, by our plenipotentiary, accordingly accede to, inducing us now to accomplish as much as is to be performed, on our part, in pursuance of them; and particularly for the execution of what is contained in the fourth article of the said preliminaries, by virtue whereof  
the



the duchies of Parma, Placentia, and Guastalla, are to be yielded to the most serene Prince Don Philip, Infant of Spain, to hold, as an establishment, with the right of reversion to the present possessors, as soon as his Majesty the King of the two Sicilies shall have succeeded to the crown of Spain, or that the said Infant should happen to die without issue male; we, in conformity thereto, do, by the present act, renounce, yield, and transfer, for ourselves and our successors, to the aforesaid most serene Infant Don Philip, and to his male issue, and their descendants born in lawful marriage, the town of Placentia, and the Plaisantinc, (whereof we were possessed) to be held and possessed by him as Duke of Placentia; renouncing to this end all rights, claims, and pretensions, which we have upon them; reserving, however, expressly to us, and our successors, the right of reversion, in the cases above-mentioned.

In witness whereof, &c.

VIII. In order to secure and effectuate the said restitutions and cessions, it is agreed, that they shall be entirely executed and accomplished on all sides, in Europe, within the term of six weeks, or sooner, if possible, to be reckoned from the day of the exchange of the ratifications of all the eight powers; it being provided, that in fifteen days after the signing of the present treaty, the Generals, or other persons, whom the high contracting parties shall think proper to appoint for that purpose, shall meet at Brussels and at Nice, to concert and agree on the method of proceeding to the restitutions, and of putting the parties in possession, in a manner equally convenient for the good of the troops, the inhabitants, and the respective countries; but so that all and each of the high contracting powers may be agreeable to their intentions, and to the engagements contracted by the present treaty, in full and peaceable possession, without any exception, of all that is to be acquired to them, either by restitution or cession, within the said term of six weeks, or sooner if possible, after the exchange of the ratifications of the present treaty by all the said eight powers.

IX. In

IX. In consideration that, notwithstanding the reciprocal engagement taken by the 18th article of the preliminaries, importing, that all the restitutions and cessions should be carried on equally, and should be executed at the same time, his most Christian Majesty engages, by the 6th article of the present treaty, to restore, within the space of six weeks, or sooner if possible, to be reckoned from the day of the exchange of the ratifications of the present treaty, all the conquests which he has made in the Low Countries; whereas it is not possible, considering the distance of the countries, that what relates to America should be effected within the same time, or even to fix the time of its entire execution; his Britannick Majesty likewise engages on his part to send to his most Christian Majesty, immediately after the exchange of the ratifications of the present treaty, two persons of rank and consideration, who shall remain there as hostages, till there shall be received a certain and authentick account of the restitution of Isle Royal called Cape Breton, and of all the conquests which the arms or subjects of his Britannick Majesty may have made before, or after the signing of the preliminaries, in the East and West-Indies.

Their Britannick and most Christian Majesties oblige themselves likewise to cause to be delivered, upon the exchange of the ratifications of the present treaty, the duplicates of the orders addressed to the commissaries appointed to restore, and receive, respectively, whatever may have been conquered, on either side, in the said East and West-Indies, agreeably to the 2d article of the preliminaries, and to the declarations of the 21st and 31st of May, and the 8th of July last, in regard to what concerns the said conquests in the East and West-Indies. Provided nevertheless, that Isle Royal, called Cape Breton, shall be restored with all the artillery and warlike stores, which shall have been found therein on the day of its surrender, conformably to the inventories, which have been made thereof, and in the condition that the said place was in, on the said day of its surrender. As to the other restitutions, they shall take place conformably to the meaning of the second article of the preliminaries, and of the declarations and convention of the 21st and 31st of May, and the

the 8th of July last, in the condition in which things were on the 11th of June, N. S. in the West-Indies, and on the 31st of October, also N. S. in the East-Indies. And every thing besides shall be re-established on the foot that they were or ought to be before the present war.

The said respective commissaries, as well those for the West, as those for the East-Indies, shall be ready to set out on the first advice that their Britannick and most Christian Majesties shall receive of the exchange of the ratifications, furnished with all the necessary instructions, commissions, powers, and orders, for the most expeditious accomplishment of their said Majesties intentions, and of the engagements taken by the present treaty.

X. The ordinary revenues of the countries that are to be respectively restored or yielded, and the impositions laid upon those countries for the entertainment and winter quarters of the troops, shall belong to the powers that are in possession of them, till the day of the exchange of the ratifications of the present treaty, without, however, its being permitted to proceed to any kind of execution, provided sufficient security has been given for the payment; it being always to be understood, that the forage and utensils for the troops shall be furnished till the evacuations; in consequence of which, all the powers promise and engage not to demand or exact impositions and contributions which they may have laid upon the countries, towns, and places that they have possessed during the course of the war, and which had not been paid at the time that the events of the said war had obliged them to abandon the said countries, towns, and places; all pretensions of this nature being made void by the present treaty.

XI. All the papers, letters, documents, and archives, which were in the countries, estates, towns and places which are restored, and those belonging to the countries yielded, shall be respectively, and bona fide, delivered or given up at the same time, if possible, as possession shall be taken, or at farthest two months after the exchange of the ratifications of the present treaty of all the eight parties, in whatever places the said papers or documents may be, namely, those which may have been removed from the archive of the great council of Mechlin.

XI. His



XII. His Majesty the King of Sardinia shall remain in possession of all that he antiently and newly enjoyed, and particularly of the acquisition which he made in the year 1743, of the Vigevanaisque, a part of the Pavesan, and the county of Anghiera, in the manner as this prince now possesses them, by virtue of the cessions that have been made of them to him.

XIII. The most serene Duke of Modena, by virtue as well of the present treaty, as of his rights, prerogatives, and dignities, shall take possession six weeks, or sooner if possible, after the exchange of the ratifications of the said treaty, of all his states, places, forts, countries, effects, and revenues, and, in general of all that he enjoyed before the war.

At the same time shall be likewise restored to him, his archives, documents, writings, and moveables of what nature soever they may be, as also the artillery, and warlike stores, which shall have been found in his countries, at the time of their being seized. As to what shall be wanting, or shall have been converted into another form, the just value of the things so taken away, and which are to be restored, shall be paid in ready money; which money, as well as the equivalent for the fiefs, which the most serene Duke of Modena possessed in Hungary, if they are not restored to him, shall be settled and adjusted by the respective generals or commissaries, who, according to the 8th article of the present treaty, are to assemble at Nice in fifteen days after the signature, in order to agree upon the means for executing the reciprocal restitutions and putting in possession, so that at the same time, and on the same day as the most serene Duke of Modena shall take possession of all his states, he may likewise enter into the enjoyment either of his fiefs in Hungary, or of the said equivalent, and receive the value of such things as cannot be restored to him. Justice shall also be done him, within the same time of six weeks after the exchange of the ratifications, with respect to the allodial effects of the House of Guastalla.

XIV. The most serene Republick of Genoa, as well by virtue of the present treaty, as of its rights, prerogatives, and dignities, shall re-enter into the possession, six weeks,

or sooner if possible, after the exchange of the ratifications of the said treaty, of all the states, forts, places, countries, effects, of what nature soever they may be, rents and revenues, that it enjoyed before the war; particularly, all and every one of the members and subjects of the said republick shall, within the aforesaid term, after the exchange of the ratifications of the present treaty, re-enter into the possession, enjoyment, and liberty of disposing of all the funds, which they had in the bank of Vienna in Austria, in Bohemia, or in any other part whatsoever of the states of the Empress Queen of Hungary and Bohemia, and of those of the King of Sardinia; and the interest shall be exactly and regularly paid them, to be reckoned from the said day of the exchange of the ratifications of the present treaty.

XV. It has been settled and agreed upon between the eight high contracting parties, that for the advantage and maintenance of the peace in general, and for the tranquillity of Italy in particular, all things shall remain there in the condition they were in before the war; saving, and after, the execution of the dispositions made by the present treaty.

XVI. The treaty of the Assiento for the trade of Negroes, signed at Madrid on the 26th of March, 1713, and the article of the annual ship, making part of the said treaty, are particularly confirmed by the present treaty, for the four years during which the enjoyment thereof has been interrupted, since the commencement of the present war, and shall be executed on the same footing, and under the same conditions, as they have or ought to have been executed before the said war.

XVII. Dunkirk shall remain fortified on the side of the land, in the same condition as it is at present; and as to the side of the sea, it shall remain on the footing of former treaties.

XVIII. The demands of money that his Britannick Majesty has, as Elector of Hanover, upon the crown of Spain; the differences relating to the abbey of St. Hubert; the enclaves of Hainault, and the bureaux newly established in the Low Countries; the pretensions of the Elector Palatine; and the other articles, which could not be regulated, so as to enter into the present treaty, shall be amicably

cably adjusted immediately by the commissaries appointed for that purpose, on both sides, or otherwise, as shall be agreed on by the powers concerned.

XIX. The 5th article of the treaty of the Quadruple Alliance, concluded at London the 2d of August, 1718; containing the guaranty of the succession to the kingdom of Great-Britain in the house of his Britannick Majesty now reigning, and by which every thing has been provided for, that can relate to the person who has taken the title of King of Great-Britain, and to his descendants of both sexes, is expressly confirmed and renewed by the present article, as if it was here inserted in its full extent.

XX. His Britannick Majesty, as Elector of Brunswick-Lunebourg, as well for himself, as for his heirs and successors, and all the states and possessions of his said Majesty in Germany, are included and guarantied by the present treaty of peace.

XXI. All the powers interested in the present treaty, who have guarantied the Pragmatick Sanction of the 19th of April 1713, for the whole inheritance of the late Emperor Charles VI. in favour of his daughter the Empress Queen of Hungary and Bohemia, now reigning, and of her descendants for ever, according to the order established by the said Pragmatick Sanction, renew it in the best manner possible; except, however, the cessions already made, either by the said Emperor, or the said Princess, and those stipulated by the present treaty.

XXII. The dutchy of Silesia, and the county of Glatz, as his Prussian Majesty now possesses them, are guarantied to that Prince by all the powers, parties and contractors of the present treaty.

XXIII. All the powers contracting and interested in the present treaty, reciprocally and respectively guaranty the execution thereof.

XXIV. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged in this city of Aix la Chapelle, between all the eight parties, within the space of one month, or sooner if possible, to be reckoned from the day of its signature.

In witness whereof, we the under-written their Ambassadors Extraordinary and Ministers Plenipotentiaries, have signed



signed with our hands, in their name, and by virtue of our full powers, the present treaty of peace, and have caused the seals of our arms to be put thereto.

Done at Aix la Chapelle, the 18th of October, 1748.

(Signed)

(L.S.) *Sandwich.* (L.S.) *St. Severin d' Aragon.* (L.S.) *W. Bentinck,*  
(L.S.) *T. Robinson,* (L.S.) *La Porte du Theil.* (L.S.) *G. A. Hasselaer.*  
(L.S.) *J. V. Borsfiek.*  
(L.S.) *O. Z. Van Harten.*

### *Separate Articles.*

I. **S**OME of the titles made use of by the contracting powers, either in the full powers, and other acts during the course of the negotiation, or in the preamble of the present treaty, not being generally acknowledged, it has been agreed, that no prejudice shall at any time result therefrom to any of the said contracting parties; and that the titles taken or omitted on either side, on account of the said negotiation, and of the present treaty, shall not be cited, or any consequence drawn therefrom.

II. It has been agreed and determined, that the French language made use of in all the copies of the present treaty, and which may be used in the acts of accession, shall not be made a precedent that may be alledged, or drawn into consequence, or in any manner prejudice any of the contracting powers; and that they conform themselves for the future to what has been and ought to be observed with regard to, and on the part of powers, who are used and have a right to give and receive copies of like treaties and acts in another language than the French.

The present treaty, and the accessions, which shall intervene, having still the same force and effect, as if the aforesaid practice had been therein observed: and the present separate articles shall have likewise the same force, as if they were inserted in the treaty.

In witness whereof, we the under-written Ambassadors Extraordinary and Ministers Plenipotentiaries of his Britannick Majesty, of his most Christian Majesty, and of the Lords the States General of the United Provinces, have

signed

signed the present separate articles, and caused the seals of our arms to be put thereto.

Done at Aix la Chapelle, the 18th of October, 1748.

(Signed)

(L.S.) *Sandwich.* (L.S.) *St. Severin d' Aragon.* (L.S.) *W. Bentinck.*  
 (L.S.) *T. Robinson.* (L.S.) *La Porte du Theil.* (L.S.) *G. A. Hasselaers.*  
 (L.S.) *J. V. Boysselle.*  
 (L.S.) *O. Z. Van Haren.*

His Britannick Majesty's Full Power.

GEORGE R.

GEORGE the Second, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch Treasurer of the Holy Roman Empire, and Prince Elector, &c. To all to whom these presents shall come, greeting: Whereas, in order to perfect the work of a general peace, so happily begun, and to bring it, as soon as possible, to the desired conclusion, we have thought proper to invest two fit persons with the title and character of our ambassadors extraordinary, and plenipotentiaries at the present congress; Know ye therefore, that we, having entire confidence in the zeal, judgment, skill and abilities in managing great affairs, of our right trusty and well-beloved Cousin, John Earl of Sandwich, as also our trusty and well-beloved Thomas Robinson, Knight of the most honourable order of the Bath, and our minister plenipotentiary to our good sister the Empress of Germany, Queen of Hungary and Bohemia, have named, made, constituted and appointed, as we by these presents name, make, constitute and appoint, them our true and undoubted ambassadors extraordinary, ministers, commissioners, deputies, procurators and plenipotentiaries, giving unto them, or each of them, jointly or separately, all and all manner of power and authority, as well as out general and special command, (yet so, that the General do not derogate from the special, or otherwise) to repair to Aix la Chapelle, or to any other place where the treaty and negotiations for the

above-mentioned peace and tranquility may be to be carried on; and there, for us, and in our name, together with the ambassadors, commissioners, deputies, and plenipotentiaries of the Princes and States, whom it may concern, properly vested with the same power and authority, to meet, in congress and conference, either singly and separately, or jointly and in a body; and with them to agree upon, treat, consult and conclude what may be necessary for making a firm and stable peace, and re-establishing a sincere friendship and good harmony; and to sign, for us, and in our name, every thing so agreed upon, and concluded; and to make a treaty or treaties upon what shall have been so agreed and concluded, and to do and transact all other matters, which may appertain to the finishing the abovesaid work, in as ample manner and form, and with equal force and efficacy, as we ourselves could do, if personally present, engaging, and on our royal word promising, that whatever things shall be transacted and concluded by our said ambassadors extraordinary, and plenipotentiaries, or by either of them, shall be agreed to, acknowledged and accepted by us, in the fullest manner; and that we will never suffer, either in the whole, or in part, any person whatsoever to infringe or act contrary to the same. In witness whereof we have signed these presents with our royal hand, and have caused to be affixed thereto our great seal of Great-Britain. Given at our palace at Herrenhausen the <sup>thirtieth</sup><sub>tenth</sub> day of <sup>July</sup><sub>August</sub> in the year of our Lord 1748, and in the twenty-second year of our reign.

The most Christian King's full power.

**L**EWIS, by the Grace of God, King of France and Navarre. To all those, to whom these Presents shall come, greeting. Whereas we are desirous of omitting nothing in our power, in order to accelerate the conclusion of the great and salutary work of peace, and the re-establishment of the publick tranquillity, trusting entirely to the capacity and experience, zeal and fidelity for our service of our dear and well-beloved the Count de St. Severin d'Aragon, Knight of our orders, and the Sieur de la Porte du Theil, Counsellor in our councils, secretary of



our chamber and cabinet, and of the commands of our most dear and most beloved son the Dauphin. For these causes, and other good considerations us thereto moving, we have commissioned and ordained them, and by these presents signed with our hand, do commission and ordain, and have given them, and do give to the one and to the other jointly, as well as to either of them separately, in case of absence or indisposition of the other, full power, commission, and special order, in our name, and in the quality of our ambassadors extraordinary and plenipotentiaries, to agree with the ambassadors and ministers actually assembled at Aix la Chapelle for the conclusion of a peace, provided with full powers in good form on the part of their masters, to settle, conclude, and sign such treaties, articles, and conventions, as the one and the other together, or either of them, in the aforesaid case of absence or indisposition of the other, shall think good, and chiefly the definitive treaty, which shall re-establish a solid peace and perfect union between us and the Princes and States formerly at war, or auxiliaries of the powers at war; promising on the faith and word of a King, to accept, keep firm and stable for ever, accomplish and execute punctually, all that the said Count de St. Severin d'Aragon, and the said Sieur de la Porte du Theil or either of them, in the said cases of absence or indisposition of the other, shall have stipulated, promised and signed by virtue of this present power, without ever contravening the same, or suffering it to be contravened, for what cause, or under what pretext soever; as also to cause our letters of ratification thereof to be dispatched in good form, and exchanged in the time that shall be agreed upon: For such is our pleasure. In witness whereof, we have caused our seal to be put to these presents. Given at Fontainebleau the seventh day of October, in the year of Grace 1748, and of our reign the thirty-fourth.

(Signed) LEWIS,

(And lower) By the King,

(Signed) Brulart.

And sealed with the great seal in yellow wax.

## The States General's Full Power.

**T**HE States General of the United Provinces of the Netherlands. To all those, who shall see these presents, greeting. Whereas we desire nothing more ardently, than to see the war, with which Christendom is at present afflicted, terminated by a good peace, and the city of Aix la Chapelle has been agreed upon for the place of the conferences; We, by the same desire of putting a stop, as far as shall be in us, to the desolation of so many provinces, and to the effusion of so much Christian blood, have been willing to contribute thereto all that depends upon us; and, to this end, to depute to the said assembly some persons out of our own body, who have given several proofs of the knowledge and experience which they have of public affairs, as well as of the affection which they have for the good of our state.

And whereas the Sieurs William Count Bentinck, Lord of Rhoon and Pendrecht, of the body of Nobles of the province of Holland and West-Frizeland, Curator of the University of Leyden, &c. Frederick Henry Baron Wassenaer, Lord of Catwyck and Zand, of the body of Nobles of the province of Holland and West-Frizeland, Hoog-Heemrade of Rhyndland, &c. Gerard Arnold Hasselaer, Schepen and Senator of the city of Amsterdam, and Director of the East-India Company; and Onno Zwier van Haren, Grietman of West Stellingwerf, deputed Counsellor of the province of Frizeland, and Commissary-General of all the Swiss and Grison troops in our service; respective deputies in our assembly, and in the council of state, on the part of the provinces of Holland and West-Frizeland, and Frizeland, have distinguished themselves in several employments of importance for our service; in which they have given marks of their fidelity, application and address in the management of affairs; for these causes, and other good considerations us thereunto moving, We have commissioned, ordained and deputed the said Sieurs Bentinck, Wassenaer, Hasselaer, and Van Haren, do commission, ordain and depute them, by these presents, and have given and do give unto them full power, commission, and special order, to go to Aix la Chapelle, in quality of  
our

our Ambassadors Extraordinary and Plenipotentiaries for the peace, and there to confer with the Ambassadors Extraordinary and Plenipotentiaries of his Most Christian Majesty, and his allies, provided with sufficient powers, and there to treat of the means of terminating and pacifying the differences which at present occasion the war; and our said Ambassadors Extraordinary and Plenipotentiaries, all together, or any of them, or any one among them, in case of absence of the others, by sickness or other impediment, shall have power to agree about the same, and thereupon to conclude and sign a good and sure peace, and, in general, to transact, negotiate, promise, and grant whatever they shall think necessary to the said effect of the peace, and generally to do every thing that we could do, if we were there present, even though a more special power, and order, not contained in these presents, should be necessary for that purpose; promising sincerely and bonâ fide, to accept and keep firm and stable whatever by our said Ambassadors Extraordinary and Plenipotentiaries, or by any, or any one of them, in case of sickness, absence, or other impediment of the others, shall have been stipulated, promised and granted, and thereof to cause our letters of ratification to be dispatched, in the time that they shall have promised in our name to furnish them. Given at the Hague in our assembly, under our great seal, the paraphe of the President of our assembly, and the signature of our First Griffier, the eighth day of March, 1748.

(Signed)

*H. van IJfelmuden, Vt.*

(Lower)

By order of the said Lords the States-General, (Signed)

*H. Fagel.*

#### The States General's Full Power.

**T**HE States General of the United Provinces of the Netherlands. To all those, who shall see these presents, greeting. Whereas we desire nothing more ardently, than to see the war, with which Christendom is at present afflicted, terminated by a good peace; and the city of Aix la Chapelle has been agreed upon for the place of



of the Conferences; We, by the same desire of putting a stop, as far as shall be in Us, to the desolation of so many provinces, and to the effusion of so much Christian blood, have been willing to contribute thereto all that depends upon us; and, to this end, have already deputed some persons heretofore to the said assembly out of our own body, who have given several proofs of the knowledge and experience, which they have of public affairs, as well as of the affection, which they have for the good of our state; To wit, the Sieurs William Bentinck, Lord of Rhoo and Pendrecht, of the body of Nobles of the province of Holland and West-Frizeland, Curator of the university of Leyden, &c. Frederic Henry Baron Wassenaer, Lord of Catwyck and Zand, of the body of Nobles of the province of Holland and West-Frizeland, Hoog-Heemrade of Rhyndland, &c. Gerard Arnold Hasselaer, Schepen and Senator of the city of Amsterdam, and director of the East-India Company; and Onno Zwier Van Haren, Grietman of West-Stellingwerff, deputed counsellor of the province of Frizeland, and Commissary-General of all the Swiss and Grison troops in our service; respective deputies in our assembly, and in the council of state, on the part of the provinces of Holland and West-Frizeland, and Frizeland. And whereas we have at present thought proper to join a fifth person to the four above-mentioned, for this same purpose; and the Sieur John Baron Van Borsselle, first Noble, and representing the nobility, in the states, in the council, and in the admiralty of Zeeland, director of the East-India Company, and deputy in our assembly on the part of the said province of Zeeland, has distinguished himself in several employments of importance for our service, in which he has given marks of his fidelity, application and address in the management of affairs: For these causes, and other good considerations Us thereunto moving, We have commissioned, ordained, and deputed the said Sieur Van Borsselle, do commission, ordain, and depute him, by these presents, and have given, and do give unto him full power, commission, and special order, to go to Aix la Chapelle, in quality of our Ambassador Extraordinary and Plenipotentiary for the peace, and there to confer with the Ambassadors Extraordinary and Plenipotentiaries

of his Most Christian Majesty and his Allies, provided with sufficient full powers, and there to treat of the means of terminating and pacifying the differences, which at present occasion the war, and our said Ambassador Extraordinary and Plenipotentiary, together with the said Sieurs Bentinck, Wassenauer, Hasselaer, and Van Haren, our other four Ambassadors Extraordinary and Plenipotentiaries, or with any, or any one of them, or even alone, in case of absence of the others, by sickness or other impediment, shall have power to agree about the same, and thereupon to conclude and sign a good and sure peace, and in general to transact, negotiate, promise, and grant, whatever he shall think necessary for the said effect of the peace, and generally do every thing that we could do, if we were there present, even tho' a more special power and order, not contained in these presents, should be necessary for that purpose; promising sincerely, and bona fide, to accept and keep firm and stable, whatever by the said Sieur Van Borssle, together with our other four Ambassadors Extraordinary and Plenipotentiaries, or any, or any one of them, or by him alone, in case of sickness, absence, or other impediment of the others, shall have been stipulated, promised, and granted, and thereof to cause our letters of ratification to be dispatched, in the time that they shall have promised in our name to furnish them. Given at the Hague, in our assembly, under our great seal, the paraphe of the President of our assembly, and the signature of our First Greffier, the 25th day of April, 1748.

(Signed) *H. V. Hamerster, Vt.*

(Lower) By order of the said Lords the States General,

(Signed) *H. Fagel.*

### The Accession of the Empress Queen of Hungary.

In the Name of the most Holy and Undivided Trinity,  
Father, Son, and Holy Ghost.

**B**E it known to all, whom it shall or may concern,  
The Ambassadors Extraordinary and Plenipotentiaries of his Britannick Majesty, of his most Christian Majesty, and of the High and Mighty Lords the States-General

heral of the United Provinces, having concluded and signed, in this city of Aix la Chapelle, on the 18th day of this present month of October, upon the basis of the preliminaries which were agreed upon and concluded between them the 30th day of April of the present year, a general and definitive treaty of peace, and two separate articles, the tenor of which treaty and separate articles follows.

*Fiat Inscriptio.*

And the said Ambassadors Extraordinary and Plenipotentiaries having, in a friendly manner, invited the Ambassador Extraordinary and Plenipotentiary of her Majesty the Empress Queen of Hungary and Bohemia, to accede thereto, in the name of her said Majesty.

The Ambassadors under-written, that is to say, on the part of the most serene and most potent prince, George the Second, by the grace of God, King of Great-Britain, John Earl of Sandwich, Viscount Hinchinbrooke, Baron Montagu of St. Neots, Peer of England, First Lord Commissioner of the Admiralty, one of the Lords of the Regency of the kingdom, his Minister Plenipotentiary to the Lords the States General of the United Provinces; and Sir Thomas Robinson, Knight of the most honourable order of the Bath, and his Minister Plenipotentiary to his Majesty the Emperor of the Romans, and to her Majesty the Empress Queen of Hungary and Bohemia; and on the part of the most serene and most potent Princess Maria Theresia, by the grace of God, Queen of Hungary and Bohemia, Empress, the Lord Wenceslas Anthony Count de Kaunitz Rittberg, Lord of Effens, Stetesdorff, Wittmund, Austerlitz, Hungrischbrod, Wiese, &c. actual Privy Counsellor to their Imperial Majesties, by virtue of their full powers, which they have communicated to each other, and copies whereof are annexed to the end of this present act, have agreed on what follows.

That her Majesty the Empress Queen of Hungary and Bohemia, being desirous of contributing to re-establish and confirm, as soon as possible, the repose of Europe, accedes, by virtue of the present act, to the said treaty and two separate articles, without any reserve or exception, in the

firm



firm confidence that every thing, which is therein promised to her said Majesty, will be bona fide fulfilled: declaring, at the same time, and promising, that she will, in like manner, most faithfully perform all the articles, clauses and conditions, which relate to her.

His Britannick Majesty likewise accepts the present accession of the Empress Queen of Hungary and Bohemia, and promises, in like manner, to perform, without any reserve or exception, all the articles, clauses, and conditions, contained in the said treaty and the two separate articles before inserted.

The ratifications of the present act shall be exchanged, in this city of Aix la Chapelle, within the space of three weeks, to be computed from this day.

In witness whereof, we the Ambassadors Extraordinary and Plenipotentiaries of his Britannick Majesty, and her Majesty the Empress Queen of Hungary and Bohemia, have signed the present act, and have thereunto affixed the seal of our arms.

Done at Aix la Chapelle, the 23d day of October, 1748.

(L. S.) *Sandwich.*

(L. S.) *Le Comte V. A.*

(L. S.) *T. Robinson.*

*de Kaunitz Rintberg.*

The Empress Queen of Hungary's Full Power.

**W**E Maria Theresia, by the grace of God, Empress of the Romans, and of Germany, of Hungary, Bohemia, Dalmatia, Croatia, Sclavonia, &c. Queen, Arch-Duchess of Austria, Duchess of Burgundy, Brabant, Milan, Styria, Carinthia, Carniola, Mantua, Parma and Placentia, Limburgh, Luxembourg, Gueldre, Wurtemberg, of the Upper and Lower Silesia, Princess of Suabia, and Transylvania, Marchioness of the Holy Roman Empire, Burgovia, Moravia, and the Upper and Lower Lusatia; Countess of Habsburg, Flanders, Tirol, Ferrete, Kybourg, Gorizia, Gradisca, and Artois, Countess of Namur, Lady of the Marches of Sclavonia, the Port of Naon, Saline, and Mechlin, &c. Duchess of Lorraine and Barr, Great Duchess of Tuscany, &c. Do make known, and certify, by virtue of these presents. Whereas

we

we are informed, that the congress which had been opened at Breda is dissolv'd; and that conferences are to be held at Aix la Chapelle, between the ministers of the several princes engaged in the present war, authorized to agree upon the means of terminating the differences that have arisen between them, and restoring peace. And as we have nothing more at heart, than to do every thing, that depends upon us, towards obtaining, as soon as possible, so desirable an end, in the most secure and effectual manner; we lose no time in doing our part towards the promoting so salutary a work, by sending thither our Ministers Plenipotentiaries, whom we have, moreover, invested with the character of our Ambassadors. Confiding therefore entirely in the often tried fidelity, experience in business, and great prudence of our actual Privy Counsellor, Wenceslaus Anthony de Kaunitz & Rittberg, Count of the Holy Roman Empire, as also of Thaddæus, Free Baron of Reischach, our Lord of the Bed-chamber, Counsellor of the government of Anterior Austria, and our Minister to the High and Mighty the States General of the United Provinces; both of whom, and each of them, we have invested with the character of our Ambassador, as well as with full powers, as we do accordingly, by these presents, invest them both, and each of them, in case of the absence or hindrance of the other, in the most ample manner possible; to the end, that both, or either of them, in case of the absence or hindrance of the other, may join their endeavours with our allies, and their ministers, hold friendly conferences with those of other princes engaged in the present war against us or our allies, and with any one or more of them, furnished with the like full powers, and agree upon any matters and things relating thereto, and whatever shall have been so agreed upon, whether jointly, or separately, to sign and seal; and, in a word, to do all those things, in our name, which we ourselves could do, if personally present: Promising, on our Imperial, Royal, and Archiducal word, that we will agree to, accept of, and faithfully fulfill, all and singular such acts, as our aforesaid Ministers Plenipotentiaries, invested over and above with the characters of our Ambassadors, shall have so done, concluded, and signed. In witness whereof, and for its greater

greater force, we have signed the present full powers with our own hand, and ordered our Imperial, Royal, and Archiducal seal to be affixed thereto. Given in our city of Vienna, the 19th day of December, in the year 1747, the 8th year of our reign.

(Signed)

MARIA THERESIA.

*C. Count Ulfeld.*

By command of her Sacred, Imperial Royal Majesty,  
*John Christoffer Bartenstein.*

### His Catholick Majesty's Accession.

In the name of the most Holy and Undivided Trinity,  
Father, Son, and Holy Ghost.

**B**E it known to all those, to whom it shall belong or can belong. The Ambassadors and Plenipotentiaries of his Britannick Majesty, of his most Christian Majesty, and of the High and Mighty Lords the States General of the United Provinces, having concluded and signed at Aix la Chapelle, the 18th of October of this year, a definitive treaty of peace, and two separate articles; the tenour of which treaty and separate articles is as follows,

### *Fiat Insertio.*

And the said Ambassadors and Plenipotentiaries having amicably invited the Ambassador Extraordinary and Plenipotentiary of his Catholick Majesty to accede thereto in the name of his said Majesty. The under-written Ambassadors; to wit, on the part of the most serene and most potent Prince, George the Second, by the grace of God, King of Great-Britain, France, and Ireland, Duke of Brunswick and Lunenburg, Arch-Treasurer and Elector of the Holy Roman Empire, &c. the Lords, John Earl of Sandwich, Viscount of Hinchinbrooke, Baron Montagu of St. Neots, Peer of England, First Lord Commissioner of the Admiralty, one of the Lords Regents of the kingdom, his Minister Plenipotentiary to the Lords the States General of the United Provinces; and Thomas Robinson, Knight of the most honourable order of the Bath, and his Minister Plenipotentiary to his Majesty the Emperor of the



the Romans, and her Majesty the Empress Queen of Hungary and Bohemia. And on the part of the most serene and most potent Prince, Ferdinand the Sixth, by the grace of God, King of Spain and of the Indies, the Lord Don James Massone de Lima y Soto Mayor, Lord of the Bed-chamber of his said Catholick Majesty, and Major General of his armies. By virtue of their full powers, which they have communicated, and copies whereof are added at the end of the present act, have agreed upon what follows.

That his Catholick Majesty, desiring to contribute and concur to re-establish and settle, as soon as possible, the peace of Europe, accedes, by virtue of the present act, to the said treaty, and two separate articles, without any reserve or exception, in a firm confidence, that whatsoever is promised therein to his said Majesty, shall be faithfully fulfilled; declaring at the same time, and promising, that he will also perform most faithfully all the articles, clauses and conditions, which concern him.

In like manner his Britannick Majesty accepts the present accession of his Catholick Majesty; and likewise promises to perform, without any reserve or exception, all the articles, clauses, and conditions, contained in the said treaty, and two separate articles, inserted above.

The ratifications of the present act shall be exchanged in this city of Aix la Chapelle in the space of a month, to be computed from this day,

In testimony whereof, We the Ambassadors Extraordinary and Plenipotentiaries of his Britannick Majesty, and of his Catholick Majesty, have signed the present act, and have caused the seal of our arms to be set thereto,

Done at Aix la Chapelle the 20th of October, 1748.

(L. S.) *Sandwich.* (L. S.) *Don Jayme Masones de Lima*

(L. S.) *T. Robinson.* y *Soto Mayor.*

His Catholick Majesty's Full Power.

**F**ERDINAND, by the Grace of God, King of Castile, of Leon, of Arragon, of the Two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of the Algarbes,

of Algezira, of Gibraltar, of the Canary islands, of the East and West Indies, islands and Terra Firma of the Ocean Sea, Arch-Duke of Austria, Duke of Burgundy, of Brabant and Milan, Count of Habsburg, of Flanders, Tirol and Barcelona, Lord of Biscay and of Molina, &c. Whereas it has been my most earnest desire, ever since Divine Providence has trusted me with the government of the vast dominions annexed to my crown, to put an honourable end to the troubles in which I found my arms involved, and to concur in giving peace to Europe, by all the just means that should appear most conducive to that end: And whereas I knowing that several ministers, particularly those of the powers now at war, are meeting at Aix la Chapelle with the same view to a general pacification; and it being therefore necessary that I should appoint one to assist on my part, endowed with that fidelity, zeal, and understanding, requisite for such a purpose, and finding in you, Don Jaime Masone de Lima, Lord of my Bed-chamber, and Major-General of my armies, these special and distinguished qualifications; I do choose and nominate you, to the end that, invested with the character of my Ambassador Extraordinary and Plenipotentiary, you do repair, in my name, to Aix la Chapelle, and representing, at that place, my own person, you do treat and confer with the minister or ministers of the powers now at war, who do already, or shall hereafter, reside there, or in any other place where it shall be thought convenient to treat; and to the end that you may, in the same manner, conclude and sign with the said ministers, the treaty or treaties which shall tend to the sole view of producing a solid and honourable peace; and whatever you may thus treat of, conclude, and sign, I do from this time acknowledge as accepted and ratified, and promise, upon my royal word, to observe and fulfill, and to cause the same to be observed and fulfilled in the same manner, as if I myself had treated and conferred upon, concluded and signed the same. To which end, I do hereby give you all my authority and full power, in the most ample manner as by law required. In witness whereof, I have caused the presents to be dispatched, signed with my hand, sealed with my secret seal, and countersigned by my undersigned

Counsellor, and Secretary of State, and of the general Dispatch of War, the Revenues, Indies and Marine. Given at Aranjues the 12th of May, 1748.

# I THE KING.

*Genon de Somo de Villa.*

## His Sardinian Majesty's Accession.

In the name of the most Holy and Undivided Trinity, Father, Son, and Holy Ghost.

**B**E it known to all those, to whom it shall or may belong,

The Ambassadors Extraordinary and Plenipotentiaries of his Britannick Majesty, of his most Christian Majesty, and of the High and Mighty Lords the States General of the United Provinces, having concluded and signed in this city of Aix la-Chapelle, the 18th of the month of October last, upon the foundation of the preliminaries at first agreed to and settled amongst them the thirtieth of April of this year, a general and definitive treaty of peace, and two separate articles, the tenor of which treaty and separate articles is as follows.

## *Piur Inscritto.*

And the said Ambassadors Extraordinary and Plenipotentiaries having amicably invited the Ambassadors Extraordinary and Plenipotentiaries of his Majesty the King of Sardinia to accede thereto in the name of his said Majesty.

The under-written Ambassadors, to wit, on the part of the most serene and most powerful Prince George the Second, by the Grace of God, King of Great-Britain, France, and Ireland, the Lords, John Earl of Sandwich, Viscount of Hinchinbrooke, Baron Montagu of Saint Neots, Peer of England, First Lord Commissioner of the Admiralty, one of the Lords Regents of the kingdom, his Minister Plenipotentiary to the Lords the States General of the United Provinces; and Thomas Robinson, Knight of the most honourable order of the Bath, and his Minister Plenipo-

tentiary



Plenipotentiary to his Majesty the Emperor of the Romans; and her Majesty the Empress Queen of Hungary and Bohemia; and on the part of the most serene and most potent Prince, Charles Emanuel the Third, by the grace of God, King of Sardinia, the Lords Don Joseph Offorio, Chevalier Grand Croix, and Grand Conservator of the military order of the Saints Maurice and Lazarus, and Envoy Extraordinary of his Majesty the King of Sardinia to his Majesty the King of Great-Britain; and Joseph Borre Count de la Chavanne, his Counsellor of State, and his Minister to the Lords the States General of the United Provinces, by virtue of their full powers, which they have communicated to each other, and copies whereof are added at the end of the present act, have agreed upon what follows.

That his Majesty the King of Sardinia, desiring to contribute and concur to re-establish and settle, as soon as possible, the peace of Europe, accedes, by virtue of the present act, to the said treaty and two separate articles, in a firm confidence, that whatsoever is promised therein to his said Majesty, shall be faithfully fulfilled; declaring at the same time, and promising, that he will also perform, most faithfully, all the articles, clauses, and conditions, which regard him.

In like manner, his Britannick Majesty accepts the present accession of his Majesty the King of Sardinia; and likewise promises to perform, without reserve or exception, all the articles, clauses, and conditions, contained in the said treaty and the two separate articles, inserted above.

The ratifications of the present act shall be exchanged in this city of Aix la Chapelle, in the space of twenty-five days, to be computed from this day.

In testimony whereof, We the Ambassadors Extraordinary and Plenipotentiaries of his Britannick Majesty, and of his Majesty the King of Sardinia, have signed the present act, and have caused the seal of our arms to be set thereto.

Done at Aix la Chapelle, the seventh of November, one thousand seven hundred forty eight.

(L. S.) *T. Robinson.*

(L. S.) *Offorio.*

(L. S.) *De la Chavanne.*

## The King of Sardinia's Full Power.

**CHARLES EMANUEL**, by the grace of God, King of Sardinia, of Cyprus, and of Jerusalem; Duke of Savoy, of Montferrat, of Aoste, of Chablais, of Genevois and of Plaisance; Prince of Piedmont and of Oneille; Marquis of Italy, of Saluces, of Susa, of Ivree, of Ceve, of Maro, of Oristan, and of Sefane; Count of Maurienne, of Geneva, of Nice, of Tende, of Romont, of Ast, of Alexandria, of Gocean, of Novara, of Tortona, of Vigevano and of Bobbio; Baron of Vaud and of Faucigny; Lord of Verceil, of Pignerol, of Tarantaise, of the Lumelline and of the Valley of Sesia; Prince and perpetual Vicar of the Holy Empire in Italy, &c. To all, who shall see these presents, greeting: Whereas, after having acceded to the preliminary articles of peace, signed the 30th of April last at Aix la Chapelle, We are sincerely desirous of concurring in the perfect re-establishment of the general peace in Europe, to which all the powers, that have signed and acceded, as we have done, to the aforesaid preliminary articles, are disposed to give their assistance, by reducing those same preliminary articles, and other acts depending thereon, into one definitive treaty of general peace. For these reasons, and other considerations us thereunto moving, we, trusting in the capacity, experience, zeal and fidelity for our service, of our dear, well-beloved and trusty, the Chevalier Ossorio, Knight Grand Croix and Grand Conservator of our military order of the Saints Maurice and Lazarus, and our Envoy Extraordinary to the King of Great-Britain; and the Count Borre de la Chavanne, our Counsellor of State, our Minister to the Lords the States-General of the United Provinces, and our Minister Plenipotentiary to the conferences of Aix la Chapelle, have named and deputed them, as by these presents we do name and depute them our Ambassadors Extraordinary and Plenipotentiaries, and have given them, and do give them, power, commission, and special order, in our name, and in the said quality of our Ambassadors Extraordinary and Plenipotentiaries, to make, conclude and sign, both jointly, or one of them alone, in case of absence, sickness, or other hindrance of the other, with the respective Ambassadors Extraordinary and Plenipotentiaries

potentaries of the above-mentioned powers, jointly or separately, provided with powers for that purpose, such definitive treaty of peace, articles, conventions, or acts, as they shall think fit for re-establishing, in a solid manner, the general peace in Europe, or to accede to those, which shall have been already concluded and signed for the same end; willing, that they should, upon those occasions, act with the same authority, as we would do, if we were present in person, and even if any thing should occur, which might require a more special order, not contained in these presents: promising, upon the faith and word of a King, to observe and cause to be observed, inviolably, all that shall be done, agreed, regulated and signed by the above-mentioned Chevalier Ossorio, and Count de la Chavanne, our Ambassadors Extraordinary and Plenipotentiaries, without contravening, or suffering any contravention thereto, directly or indirectly, for what cause, or under what pretext soever it shall or may be; as also to cause to be dispatched, our letters of ratification thereof in due form, to be exchanged within the term which shall be agreed on. In witness whereof, we have signed these presents with our hand, and caused them to be countersigned by the Marquis D. Leopold de Carret de Gorzegne, our first Secretary of state for foreign affairs, and caused the secret seal of our arms to be affixed thereto. Given at Turin, the twenty-fourth of the month of August, in the year of our Lord one thousand seven hundred and forty-eight, and of our reign the nineteenth.

(L. S.) C. E M A N U E L,

(Lower)

*Carret de Gorzegne.*

#### The Accession of the Duke of Modena.

In the name of the most Holy and Undivided Trinity,  
Father, Son, and Holy Ghost.

**B**E it known to all those, to whom it shall or may belong. The Ambassadors Extraordinary and Plenipotentiaries of his Britannick Majesty, of his most Christian Majesty, and of the High and Mighty Lords the States Ge-



neral of the United Provinces, having concluded and signed, in this city of Aix la Chapelle, the 18th of the present month of October, upon the foundation of the preliminaries, at first agreed upon and concluded amongst them the 30th day of April of this year, a general and definitive treaty of peace, and two separate articles; the tenour of which treaty and separate articles follows,

*Fiat Inscriptio.*

And the said Ambassadors Extraordinary and Plenipotentiaries having amicably invited the Minister Plenipotentiary of his most Serene Highness, Francis the Third, by the grace of God, Duke of Modena, Reggio, Mirandola, &c. to accede thereto in the name of his most Serene Highness.

The under-written Ambassadors and Minister Plenipotentiary; to wit, on the part of the most serene and most potent Prince, George the Second, by the grace of God, King of Great-Britain, France, and Ireland, the Lords, John Earl of Sandwich, Viscount of Hinchinbrooke, Baron Montagu of St. Neots, Peer of England, First Lord Commissioner of the Admiralty, one of the Lords Regents of the kingdom, his Minister Plenipotentiary to the Lords the States General of the United Provinces; and Thomas Robinson, Knight of the most honourable order of the Bath, and his Minister Plenipotentiary to his Majesty the Emperor of the Romans, and her Majesty the Empress Queen of Hungary and Bohemia. And on the part of his most Serene Highness the Duke of Modena, the Sieur Count de Monzone, his Counsellor of State and Colonel in his service, and his Minister Plenipotentiary to his most Christian Majesty, by virtue of their full powers, which they have communicated to each other, and of which copies are added at the end of the present act, have agreed on what follows.

That his most Serene Highness the Duke of Modena, desiring to contribute and concur to re-establish and settle, as soon as possible, the peace of Europe, accedes, by virtue of the present act, to the said treaty, and two separate articles, without any reserve or exception, in a firm confidence,

dence, that what is promised to his said most Serene Highness therein, shall be faithfully fulfilled; declaring and promising at the same time, that he will also perform most faithfully all the articles, clauses and conditions, which concern him.

In like manner his Britannick Majesty accepts the present accession of his most Serene Highness the Duke of Modena, and promises likewise to fulfil, without any reserve or exception, all the articles, clauses, and conditions, contained in the said treaty, and the two separate articles, inserted above.

The ratifications of the present act shall be exchanged, in this city of Aix la Chapelle, in the space of three weeks, to be computed from this day.

In testimony whereof, We the Ambassadors Extraordinary and Minister Plenipotentiary of his Britannick Majesty, and of his most Serene Highness the Duke of Modena; have signed the present act, and have caused the seal of our arms to be set thereto.

Doné at Aix la Chapelle the 25th of October, 1748.

(L. S.) *T. Robinson.* (L. S.) *Le Comte de Monzone.*

The Duke of Modena's Full Power.

FRANCIS, Duke of Modena, Reggio, Mirandola.

**W**HEREAS, in the conferences to be held at Aix la Chapelle, for a general pacification between the powers concerned in the present war, affairs are to be treated of which regard us; for which it is necessary to have a minister there, on whose ability, fidelity and prudence we may safely rely, we have not thought that we could employ any person with greater confidence, on this occasion, than the Count de Monzone, our Counsellor of State, Minister Plenipotentiary at the court of his most Christian Majesty, and Colonel in our service; for which reason we do chuse and depute him for our Minister Plenipotentiary at the said congress, by giving and granting to him, faculty, authority, and full power, with general and special order, to treat there, in our name, of all matters which concern us, and to promise, agree to, conclude, stipulate and sign, on our part, whatever he shall judge most convenient

convenient for our service ; desiring, for this end, the Ministers Plenipotentiary of all the courts concerned, which shall be present at the said congress, to accept of, and acknowledge him, as our Minister Plenipotentiary ; promising, on the faith and word of a Prince, to hold as confirmed and ratified, and to approve and observe all that shall be concluded, accepted of, and stipulated by the same Minister Plenipotentiary.

In witness whereof, we have signed these presents, which shall be counter-signed by one of our Ministers, and have our seal affixed thereto. Given at Marseilles this 30th of November, 1748.

(Signed) F R A N C E S C O.  
(And underneath counter-signed)

*De Bondigli.*

#### The Republick of Genoa's Accession.

In the Name of the most Holy and Undivided Trinity,  
Father, Son, and Holy Ghost.

**B**E it known to all those, to whom it shall, or may belong.

The Ambassadors Extraordinary and Plenipotentiaries of his Britannick Majesty, of his most Christian Majesty, and of the High and Mighty Lords the States-General of the United Provinces, having concluded and signed, in this city of Aix la Chapelle, on the 18th of the present month of October, upon the foundation of the preliminaries, at first agreed upon and settled amongst them the 30th day of April of this year, a general and definitive treaty of peace, and two separate articles, of which treaty and separate articles the tenor is as follows.

#### *Fiat Inscriptio.*

And the said Ambassadors Extraordinary and Plenipotentiaries having amicably invited the Minister Plenipotentiary of the most Serene Republick of Genoa, to accede thereto, in the name of the said most Serene Republick.

The under-written Ambassadors and Minister Plenipotentiary ; to wit, on the part of the most serene and most potent



potent prince, George the Second, by the grace of God, King of Great-Britain, France, and Ireland, the Lords, John Earl of Sandwich, Viscount of Hinchinbrooke, Baron Montagu of St. Neots, Peer of England, First Lord Commissioner of the Admiralty, one of the Lords Regents of the kingdom, his Minister Plenipotentiary to the Lords the States General of the United Provinces; and Thomas Robinson, Knight of the most honourable order of the Bath, and his Minister Plenipotentiary to his Majesty the Emperor of the Romans, and to her Majesty the Empress Queen of Hungary and Bohemia; and on the part of the most serene Republick of Genoa, the Sieur Francis Marquis Doria, by virtue of their full powers, which they have communicated to each other, and copies whereof are added at the end of the present act, have agreed upon what follows.

That the most Serene Republick of Genoa, desiring to contribute and concur to re-establish and settle the quiet of Europe, accedes, by virtue of the present act, to the said treaty and two separate articles, without any reserve or exception, in a firm confidence that whatsoever is promised therein to the said most Serene Republick, shall be faithfully fulfilled; declaring, at the same time, and promising, that she will also perform, most faithfully, all the articles, clauses and conditions, which regard her.

In like manner his Britannick Majesty accepts the present accession of the most Serene Republick of Genoa; and likewise promises to perform, without any reserve or exception, all the articles, clauses, and conditions, contained in the said treaty and the two separate articles inserted above.

The ratifications of the present act shall be exchanged, in this city of Aix la Chapelle, in the space of twenty-five days, to be computed from this day.

In testimony whereof, we the Ambassadors Extraordinary and Minister Plenipotentiary of his Britannick Majesty, and of the most Serene Republick of Genoa, have signed the present act, and have caused the seal of our arms to be affixed thereto.

Done at Aix la Chapelle, the 28th of October, 1748.  
(L. S.) T. Robinson. (L. S.) *Fr.cois M.<sup>ie</sup> Marquis D'Oria.*

Tac

**The Republick of Genoa's Full Power.**

**The Doge, Governors, and Procurators of the Republick of Genoa.**

**C**ONSCIOUS of the experience, fidelity and zeal of our Patrician Francesco Maria D'Oria, We have chosen and deputed him, as our Minister Plenipotentiary at the conferences of peace at Aquisgrano, otherwise Aix la Chapelle, or any other place where the said conferences of peace may hereafter be held, or transferred to, and we have given and conferred upon him, as we do give and confer upon him, ample faculty and full power, with general and special order, to treat there in our name, upon the affairs which regard us, and to agree to, conclude, stipulate and sign, on our part, whatever he shall apprehend to be most suitable to our interests, and that, in the same manner, as we ourselves, were we present, could do, although a more full and special order than the present might be requisite, desiring, for this end, the Ministers Plenipotentiaries of all the courts concerned, which shall be present at the said conferences, to accept of, and acknowledge him, as our Minister Plenipotentiary; promising, on the faith and word of a Prince, to hold as confirmed and ratified, and to observe all that shall be concluded, accepted, stipulated and signed by the same, in virtue of the present full power; as also to dispatch our ratifications in due form, to be exchanged within the time which shall be agreed upon.

In witness whereof, these presents shall be signed by our underwritten Secretary of State, with our usual seal affixed thereto.

Given at our royal palace, this first of March, 1748.

*C. Giuseppe Maria Sertorio,*

(L. S.) Secretary of State.

*A Treaty*

*A Treaty concluded and signed at Madrid, on the 5th of October N. S. 1760, between the Ministers Plenipotentiaries of their Britannick and Catholick Majesties.*

**W**HEREAS by the 16th article of the treaty of Aix-la-Chapelle, it has been agreed between their Britannick and Catholick Majesties, that the treaty of the Affiento for the commerce of Negroes, and the article of the annual ship, for the four years of non-enjoyment, should be confirmed to Great-Britain, upon the same foot, and upon the same conditions, as they ought to have been executed before the late war; and the respective Ambassadors of their said Majesties having agreed, by a declaration signed between them on the  $\frac{13}{4}$  June, 1748, to regulate, at a proper time and place, by a negociation between Ministers named on each side for that purpose, the equivalent which Spain should give in consideration of the non-enjoyment of the years of the said Affiento of Negroes, and of the annual ship granted to Great-Britain, by the 10th article of the preliminaries signed at Aix-la-Chapelle, on the  $\frac{1}{2}$  April, 1748.

Their Britannick and Catholick Majesties, in order to fulfil the said engagements of their respective Ministers, and to strengthen and perfect more and more a solid and lasting harmony between the two crowns, have agreed to make the present particular treaty between themselves, without the intervention or participation of any third power; so that each of the contracting parties acquires by virtue of the cessions which that party makes, a right of compensation from the other reciprocally: And they have named their Ministers Plenipotentiaries for that purpose, viz. His Britannick Majesty, Benjamin Keene, Esq; his Minister Plenipotentiary to his Catholick Majesty; and his Catholick Majesty, Don Joseph de Carvajal and Lancaster, Minister of State, and Dean of his Council of State; who, after having examined the points in question, have agreed on the following articles.

I. His Britannick Majesty yields to his Catholick Majesty his right to the enjoyment of the Affiento of Negroes, and the annual ship, during the four years stipulated by the 16th article of the treaty of Aix-la-Chapelle,

II. His



II. His Britannick Majesty, in consideration of a compensation of one hundred thousand pounds sterling, which his Catholick Majesty promises and engages to cause to be paid, either at Madrid or London, to the royal Assiento Company, within the term of three months at latest, to be reckoned from the day of the signing of this treaty, yields to his Catholick Majesty, all that may be due to the said Company for balance of accounts, or arising in any manner whatsoever from the said Assiento; so that the said compensation shall be esteemed and looked upon as a full and entire satisfaction on the part of his Catholick Majesty, and shall extinguish from this present time, for the future and for ever, all right, pretension, or demand, which might be formed in consequence of the said Assiento, or annual ship, directly or indirectly, on the part of his Britannick Majesty, or on that of the said Company.

III. The Catholick King yields to his Britannick Majesty all his pretensions or demands in consequence of the said Assiento and annual ship, as well with regard to the articles already liquidated, as to those which may be easy or difficult to liquidate; so that no mention can ever be made of them hereafter, on either side.

IV. His Catholick Majesty consents that the British subjects shall not be bound to pay higher, or other duties, or upon other evaluations for goods which they shall carry into, or out of the different ports of his Catholick Majesty, than those paid on the same goods in the time of Charles the Second, King of Spain, settled by the cédulas and ordonnances of that King, or those of his predecessors. And although the favour or allowance called *Pie del Fardo* be not founded upon any royal ordonnance, nevertheless his Catholick Majesty declares, wills and ordains, that it shall be observed now, and for the future, as an inviolable law; and all the above-mentioned duties shall be exacted and levied, now and for the future, with the same advantages and favours to the said subjects.

V. His Catholick Majesty allows the said subjects to take and gather salt in the island of Tortudos, without any hindrance whatsoever, as they did in the time of the said King Charles the Second.

VI. His

VI. His Catholick Majesty consents, that the said subjects shall not pay any where, higher or other duties than those which his Catholick Majesty's subjects pay in the same place.

VII. His Catholick Majesty grants, that the said subjects shall enjoy all the rights, privileges, franchises, exemptions and immunities whatsoever, which they enjoyed before the last war, by virtue of cedulas or royal ordinances, and by the articles of the treaty of peace and commerce made at Madrid in 1667; and the said subjects shall be treated in Spain, in the same manner as the most favoured nation, and consequently, no nation shall pay less duties upon wool, and other merchandizes which they shall bring into, or carry out of Spain by land, than the said subjects shall pay upon the same merchandizes, which they shall bring in or carry out by sea. And all the rights, privileges, franchises, exemptions and immunities, which shall be granted or permitted to any nation whatever, shall also be granted and permitted to the said subjects; and his Britannick Majesty consents, that the same be granted and permitted to the subjects of Spain in his Britannick Majesty's kingdoms.

VIII. His Catholick Majesty promises to use all possible endeavours on his part, to abolish all innovations which may have been introduced into commerce, and to have them forborn for the future; his Britannick Majesty likewise promises to use all possible endeavours to abolish all innovations, and to forbear them for the future.

IX. Their Britannick and Catholick Majesties confirm by the present treaty, the treaty of Aix la Chapelle, and all the other treaties, therein confirmed, in all their articles and clauses, excepting those which have been derogated from by the present treaty: As likewise the treaty of commerce concluded at Utrecht in 1713, those articles excepted, which are contrary to the present treaty, which shall be abolished and of no force, and namely, the three articles of the said treaty of Utrecht, commonly called Explanatory.

X. All the reciprocal differences, rights, demands and pretensions, which may have subsisted between the two crowns of Great-Britain and Spain, in which no other nation

tion whatever has any part, interest, or right of intervention, being thus accommodated and extinguished by this particular treaty; the two said most Serene Kings engage themselves mutually to the punctual execution of this treaty of reciprocal compensation, which shall be approved and ratified by their said Majesties, and the ratifications exchanged, in the term of six weeks, to be reckoned from the day of its signing, or sooner if it can be done.

In witness whereof, we the above-mentioned Ministers Plenipotentiaries, that is to say, Benjamin Keene, Esq; in the name of his Britannick Majesty, and Don Joseph de Carvajal and Lancaster, in the name of his Catholick Majesty, by virtue of our full powers, which we have mutually communicated to each other, have signed these presents, and have caused the seals of our arms to be put thereto. Done at Madrid the fifth of October, 1750, New Style.

(L. S.) *B. Keene.*

(L. S.) *Joseph de Carvajal  
y Lancaster.*

#### His Britannick Majesty's Ratification.

**G**EORGE the Second, by the Grace of God, of Great-Britain, France and Ireland, King, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch-Treasurer of the Holy Roman Empire, and Prince Elector, &c. To all and singular to whom these presents shall come, greeting. Whereas a certain treaty between us and our good brother Ferdinand the Sixth, Catholick King of Spain and the Indies, was concluded and signed at Madrid, the 5th day of October last past, N. S. by Ministers Plenipotentiaries, sufficiently empowered with orders and authority on each side, in the form and words following.

#### *Fiat Inscriptio.*

We having seen and considered the above-written treaty, have approved, ratified, and confirmed the same, in all and singular its clauses, as by these presents we do approve, ratify,



ratify, and confirm the same for us, our heirs and successors, engaging and promising, on our royal word, sacredly and inviolably to perform and observe all and singular its contents; and never to suffer, as far as in us lies, any person to violate the same, or in any manner to act contrary thereto. In witness whereof, we have caused our great seal of Great-Britain to be affixed to these presents; signed with our royal hand. Given at our palace at St. James's, the 5th day of November, in the year of our Lord 1750, and of our reign the twenty-fourth.

GEORGE R.

His Catholick Majesty's Ratification.

**D**ON Ferdinand, by the Grace of God, King of Castile, of Leon, of Arragon, of the Two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Mayorca, of Seville, of Sardinia, of Cordova, of Corfica, of Murcia, of Jaen, of the Algarbes, of Algecira, of Gibraltar, of the Canary Islands, of the East and West Indies, Islands and Terra Firma of the Ocean Sea, Archduke of Austria, Duke of Burgundy, of Brabant, and of Milan, Count of Absburg, of Flanders, of Tyrol, and of Barcelona, Lord of Biscay and of Molina, &c. Whereas there having been agreed on and signed at Madrid on the fifth day of October of this instant year, by Don Joseph de Carvajal and Lancaster, Knight of the most illustrious order of the Golden Fleece, my gentleman of the bed-chamber in ordinary, my Minister of State, and Dean of this Council, Governor of the supreme Council of Indies, President of the Committee of commerce and money, and Superintendant General of the posts and mails within Spain, as well as of those that go out of Spain, or come from abroad; and Benjamin Keene, Esq; Minister Plenipotentiary from the most potent King of Great-Britain to my royal person, by virtue of the full powers that have been given to them by me, and by the said most serene King, a treaty upon the equivalent that Spain is to give in consideration of the four years of the Asiento contract for Negroes, and

and of the grant of the annual ship that Great-Britain has not enjoyed on account of the last war, and about all the differences that did subsist between our two crowns. The said treaty is actually as follows.

*Fiat Inscriptio.*

Therefore, after having seen and examined the said treaty, I have thought proper to approve of and ratify the same; as by virtue of the present I do approve of and ratify the same in the best and most ample manner I can, promising in faith of my royal word, to fulfil it entirely in the manner as it is therein contained and expressed: To this end I have ordered the present to be dispatched, which is signed with my hand, sealed with my privy seal, and counter-signed by my underwritten Counsellor of State and Secretary of the universal dispatch of war, of Indies, Marine, and of the revenues. Given at Buen Retiro, on the fifth day of December, one thousand seven hundred and fifty.

(L. S.)

I THE KING

*Canon de Somadecilla.*

*A Treaty of Peace and Friendship, between the King of Great-Britain, and the Emperor of Morocco: concluded at Fez, between William Petticrew, Esq; his Britannick Majesty's Consul General, and the Alcaide Habel Lohab Ben Hamed Limury, the Emperor of Morocco's Prime Minister, and signed the 15th of Rabbe the First, in the year 1164, which is in English Stile, the 15th of January, 1750, O. S. As also the additional articles of Peace and Commerce, concluded and signed between the said two Ministers, on the 1st of February, 1751, N. S.*

**G**EORGE the Second, by the Grace of God, King of Great-Britain, France, and Ireland, Defender of the Christian Faith, Duke of Brunswick and Lunenburg, Arch-Treasurer of the Holy Roman Empire, and Prince Elector, &c. To all to whom these presents shall come,

greeting: Whereas a treaty for establishing peace and friendship was concluded and signed on the 15th of December, 1734, and copied the 15th of Rabbei the first, in the year 1164, which is in English stile, the 15th day of January, 1750, O. S. and the additional articles of peace and commerce, concluded and signed at the court of Fez, on the 1st of February, 1751, N. S. between Us and the High, Glorious, Potent, and most Noble Prince Mulay Abedela, Ben Mulay Ismael, Ben Mulay Scriph, Ben Mulay Aly, King and Emperor of the kingdoms of Fez, Morocco, Taffilete, Sus and the whole Algarbe, and the territories thereof, by William Petticrew, Esq; our Consul General on our part, and by the Alcaide Habed Lohab Ben Hamed Limury, first Minister on the behalf and by order of the said King of Fez and Morocco, in the words and form following.

**T**HE treaty of peace between his Majesty George the Second, King of Great-Britain, France and Ireland, and Mulay Abedela Ben Ismael, King and Emperor of Fez, Mequinez, Morocco, and all the West of Africa, God bless him; and the following articles were concluded by Alcaide Habed Lohab, First Minister, and William Petticrew, Esq; his Britannick Majesty's Consul General.

I. For establishing peace and friendship, it is agreed and concluded for firm and valid, both by land and sea, in all the dominions of both powers, that the English in general shall and may now, and at all times hereafter, enjoy and continue in peace and friendship with the Emperor and his subjects, and be well used and respected by the Emperor's subjects, agreeable to the order and commands of the Emperor.

II. That such number or quantity of passports, as may be necessary, be transmitted to the Emperor, indented in such manner as shall tally with the passports that shall be received by the English merchants in England; and if an English man of war meets with any merchant ships belonging to the Emperor, such merchant ships shall be obliged to produce and shew their passports given to them by the English Consul.



III. If any dispute shall happen between the English and the Emperor's subject, the same not to be determined by Judge, but ended and adjusted by the English Consul and the Coyed, (that is) the Mayor of the town, where such dispute shall happen.

IV. That none of the Emperor's subjects shall, at any time, forcibly enter the houses of the English, or any place belonging to them, or take and carry away any of their goods and effects, unless they have leave and authority from the Emperor so to do: That if any of the Emperor's subjects shall hire any English ship to carry and convey goods from one part of the Emperor's dominions to another, and shall happen by stress of weather, or any other occasion, to touch at any place or places in the voyage, such ship or ships shall not be obliged to pay any thing for the shelter or assistance they may receive; and that no English whatever, or any of their servants, (though not English) shall be liable to pay the tax, imposed upon the Emperor's subjects, called the poll tax.

V. That the fifteen articles of peace, made and concluded between King George the First, and Muli Ismael, are hereby agreed to and confirmed with his Majesty King George the Second, as good and valid, and shall be faithfully kept and observed, together with the aforesaid four articles.

**T**REATY of peace between his Majesty George the Second, King of Great-Britain, France and Ireland and Mulay Abedela Ben Ismael, King and Emperor of Fez, Mequinez, Morocco, and all the West of Africa. God bless him; and the four following articles were concluded by Ahammed Basha and William Petticrew, Esq;

I. That if any English shall happen to be on board any ship or ships, enemies to the Emperor, that may be taken by the Emperor's ships, such English shall be well treated, delivered into the hands of the English Consul, and have their liberty to go where they please: This article to continue in force for six months from the conclusion of the peace; in which time it is required, that notice shall be given by the King of Great-Britain to all the English subjects, not to embark on board any of the Emperor's ene-

emies ships; for after that time, if the English shall so embark, the blame must be their own, as no regard will be had to them more than the Emperor's enemies.

II. If any of the Emperor's subjects shall be made slaves, and escape to an English man of war, or to Gibraltar, Port-Mahon, or any of the English dominions, that they shall be protected, and with all convenient speed, sent to their respective homes. The like treatment to be given to the English who shall be slaves, and escape to any part of the Emperor's dominions.

III. If any English shall contract any thing to be paid to the Emperor's subjects, that notes shall be given for the same; and in like manner the same to be observed by the Emperor's subjects in the English dominions; and if it shall happen, that such subjects of either power cannot write, to get some person to write such notes for them.

IV. That no excuse be made; or ignorance of this peace pretended, the same shall be published and declared to all the subjects of both powers, both what is now agreed on, and the articles concluded with King George the First; which declaration shall be signed by each power, and by them kept, to prevent disputes. This treaty was concluded the 15th of December, 1734, and copied the 15th of Rabbi the first, in the year 1164, which is, in English stile, the 15th of January, 1750.

**A**dditional articles of peace and commerce between the Most High, Illustrious, and Most Renowned Prince George the Second, by the grace of God, King of Great-Britain, France, and Ireland; Defender of the Christian Faith, &c. and the High, Glorious, Mighty, and Most Noble Prince Mulay Abedela, Ben Mulay Ismael, Ben Mulay Seriph, Ben Mulay Aly, King and Emperor of the kingdoms of Fez, Morocco, Taffilete, Sus, and all the Algarbe and its territories, agreed on and concluded by William Petticrew, Esq; on the behalf of his Britannick Majesty, and by the Alcaide Habel Lohab Ben Hamed Limury, First Minister on the behalf and by order of the King of Fez and Morocco.

I. It is agreed on and concluded, that from henceforward there shall be between his Majesty of Great-Britain,

Prince and Elector of Hanover, and the King of Fez and Morocco, their heirs and successors, a general, true and perfect peace for ever, as well by land as by sea and fresh waters; and also between the lands, kingdoms, dominions and territories belonging to or under the jurisdiction of his Britannick Majesty in Germany, and those appertaining to the King of Fez and Morocco, and their subjects, people or inhabitants respectively, of what condition, degree, or quality soever, from henceforth reciprocally shall owe the other all friendship; and that all ships, vessels, passengers with their effects trafficking voluntary, or compelled by enemies, disasters of the seas, or any accident whatsoever, to the coast of the Emperor of Fez and Morocco's dominions, being his Britannick Majesty's subjects in Germany, shall, from henceforth, be treated with the said regulations as specified by the treaties of peace now subsisting between his Britannick Majesty and the King of Fez and Morocco.

II. It is agreed, that all ships and vessels belonging to his Britannick Majesty in Germany, shall carry a proper pass, and that a copy of such pass, with the heads of the said passes, shall be sent to his Britannick Majesty's Consul residing in Barbary, to the end that he may deliver the same to the commanders or captains of the King of Fez and Morocco's ships of war or Cruizers, to the end that due regard may be had to this peace, and that no commander or captain may offend thro' ignorance; and all commanders or captains of ships or vessels belonging to his Britannick Majesty's subjects in Germany, meeting with any ship or vessel belonging to the King of Fez and Morocco, or his subjects, if the commander of such ship or vessel produce a pass signed by the governor of the city they belong to, with a certificate from the English Consul and in case of his death or absence, from the major part of the English merchants residing in the said place, in such cases the said ship or vessel shall pursue freely her voyage without hindrance or molestation.

III. It is agreed, that the King of Great-Britain's subjects shall not be obliged to appear before justices of the country on any cause, but that only the governor of the city and his Britannick Majesty's Consul shall take cognizance of, and adjust the difference or suits they may have



with the Moors, or other inhabitants in the dominions of the King of Fez and Morocco.

IV. It is agreed, that no governor or officer under the King of Fez and Morocco, shall, without the King's special order, visit or register the dwelling-houses or magazines of any of his Britannick Majesty's subjects residing in Barbary; and that all British ships, taking freight in any port of the King of Fez and Morocco, to carry to other ports of the said kingdom, shall be exempted from all port charges as usual, in whatever port they may put in; and that the Consul and the other British merchants shall be freely allowed to have Moors or Jews as their interpreters and brokers, who shall be exempted from all taxes, as likewise all their domestic servants.

All the other articles, being fifteen in number, concluded, agreed and adjusted by the Admiral Charles Stewart on the behalf of his Britannick Majesty; and by his Excellency Bashaw Hemet Ben Ally, Ben Abdalla, and his Imperial Majesty's Treasurer Mr. Moses Benatar, on behalf of the said King of Fez and Morocco, shall stand good and be of the same force, as in the reign of the Most High, Illustrious, and Renowned Prince George the First, King of Great-Britain, France and Ireland, of glorious memory; and the High, Mighty, and Most Noble Prince Mully Ismael late Emperor of Morocco; as likewise the other articles, being three in number, agreed and concluded by John Leonard Sollicoffre, Esq; on behalf of his Britannick Majesty, and his Excellency Bashaw Hamet Ben Aly Ben Abdella, on behalf of the King of Fez and Morocco.

It is agreed on and concluded, that all the articles aforementioned, being eighteen in number, with these additional articles that are translated into the Arabick language, copies thereof be sent to all his Imperial Majesty's Alcaldes and Officers of all the ports in his dominions, there to be read by the Cady or Chief Justice in publick assembly; and afterwards to remain deposited either in the hands of the Judge, or the Alcaldes of the port, that recourse may be had thereto on all occasions which may occur; and that the ratifications of the said articles shall be made within the term of six months or sooner if possible, in Spanish, which shall

shall be received and be of equal force. Dated and signed  
at the court of Fez, on the 1st of February, 1751, N. S.

(Signed)

Abdelhovab Aly Moory.

**T**REATY of peace concluded between his Majesty  
George the First, King of Great-Britain, France,  
and Ireland, and Muli Ismael, son of Muli Alli Sherife,  
King of Fez, Mequinez, Morocco, and all the West of  
Africa, God bless him. The following articles were agreed  
on, in the presence of Bashaw Ahamad, son of Abdula,  
and the then English Ambassador, interpreted by Moses  
son of Attor, servant and interpreter at the Emperor's  
court.

I. In order to establish peace between the powers, both  
by land and sea, and all their respective dominions, it is  
agreed on, that the English may now, and always here-  
after, be well used and respected by our subjects, agree-  
able to the orders and commands of the Emperor.

II. That all English men of war and merchant ships,  
that shall come to any part of the Emperor's dominions,  
to trade or otherwise, and shall have on board a cargo,  
not proper for vending in the place where they shall come,  
may depart with the same to any other part of the Empe-  
ror's dominions, and shall pay duty but once for the same;  
and that no duty at all shall be paid for any war imple-  
ments, such as fire-arms, swords, and any thing belonging  
to the army, as also for materials of all kinds for ship-  
building; and if any English ship shall arrive at any of  
the Emperor's ports, with any merchandize destined for  
any other part of the world, that no duty shall be paid for  
such merchandize, but shall depart with the same without  
any manner of molestation. If any English ship shall be  
thrown upon the Emperor's coasts by stress of weather, or  
otherwise, the same shall be protected, and may safely de-  
part without any ill usage or interruption: in like manner  
shall be treated the Emperor's ships, happening to be thus  
thrown on the coast of Great-Britain, or the dominions  
thereto belonging.

III. That all the English ships and Emperor's ships may  
pass and repass the seas without hindrance, interruption or  
molestation

molestation from each other; nor shall any money, merchandise, or any demand be made or taken by the ships of either power from each other; and if any subjects of any other nation shall be on board either the English or the Emperor's ships, they shall be safely protected by both sides.

IV. If the Emperor's men of war meet with any English ships, and shall want to see their passports, they are to send a boat with two men of fidelity to peruse the said passports, who are to return without any further trouble, and then both sides to proceed quietly on their respective voyages; the same usage to be received by the Emperor's merchant ships from the English men of war, who shall allow the passports made out by the English consul, and if the consul shall not be present to make them, then the passports made out by the English merchants to be good and valid.

V. If the English men of war, privateers, or letter of marque ships, shall take prizes from any nation with whom they shall be at war, they shall have liberty to bring and dispose of the same in any of the Emperor's dominions, without any duty or charge whatsoever.

VI. If any English ship shall, by storm, or in flying from her enemy, come upon the Emperor's coasts, the same shall be safely protected, and nothing touched or taken away, but shall be under the direction of the English consul, who shall send the goods and people where he shall think fit.

VII. It is the mutual agreement of the King of Great-Britain and the Emperor, that the Emperor do issue out orders to all parts of his dominions, for the well using of all the English subjects; and that particular places be appointed for the burial of their dead; that the consul's brokers shall freely go on board any ship without interruption; that the English consuls, merchants, and other subjects of Great-Britain, may safely travel by land with effects without any hindrance whatever; and if any English settled in the Emperor's dominions shall be desirous to return home, that they may so do with their families, goods and effects, without interruption: If any English die, the effects of such to be taken under the care of the consul, to be disposed of as directed by the will of such person, and if no will, for the benefit of such person's next heir; and if any



debts shall be owing to such deceased person, the same to be paid by order of the governor or other person in power, where such person shall die; and that a subject of the Emperor's be appointed to demand and receive the same, and deposit the same in the hands of the English Consul for the aforesaid uses. If any English shall contract debts in the Emperor's country, and remove from thence without satisfying the same, no other person shall be liable to pay such debts: The like usage and treatment the subjects of the Emperor are to receive in the King of Great-Britain's dominions; and that the King may send as many Consuls to the Emperor's dominions as he shall think necessary.

VIII. That no English merchant, captains of ships, or other person or persons whatsoever that are English subjects, shall be forced to sell any of their goods for less than the real value; and that no captain, master, or commander of any English ship shall be compelled, without their own will and consent, to carry any goods or merchandizes for any person or persons whatsoever; nor shall any sailor be forced away from any English ship.

IX. If any quarrel or dispute shall happen between any Englishman and a Musselman, by which hurt to either may ensue, the same to be heard before and determined by the Emperor only; and if an Englishman, who may be the aggressor, shall make his escape, no other Englishman shall suffer upon his account; and if two Englishmen shall quarrel, to be determined by the English Consul, who shall do with them as he pleases; and if any quarrel or dispute shall happen between Musselmans in England, or in any of the English dominions, by which hurt may ensue, the same to be heard before one Christian and one Musselman, and to be determined according to the laws of Great-Britain.

X. If it shall happen that this peace by any means, shall be broke, the Consul, and all other English, shall have six months time to remove themselves with their families and effects to any place they please without interruption; and that all debts owing to them shall be justly paid to them.

XI. If any English in the Emperor's dominions, or the Emperor's subjects in the English dominions, shall maliciously endeavour to break the peace, such of them who shall

shall be proved so to intend, shall by each power be punished for such offence, each power to take cognizance of their own subjects.

XII. If any of the Emperor's subjects shall purchase any commodity in the English dominions, they shall not be imposed on in price, but pay the same as is sold to the English.

XIII. That not any of the Spanish, whether captains, sailors, or other persons under the English government in Gibraltar or Port Mahon, shall be taken or molested, sailing under English colours with passports.

XIV. That no excuse be made, or ignorance pretended, of this peace, the same shall be published and declared to all the subjects of each power, which declaration shall be signed by each power, and kept by them to prevent disputes.

XV. If any men of war shall be on the Emperor's coasts, that are enemies to the English, and any English men of war, or other English ships, shall happen to be or arrive there also, that they shall not in any manner be hurt or engaged by their enemy; and when such English ships shall sail, their enemies ships shall not set sail under forty-hours afterwards. And if after the conclusion of this peace, any ships shall happen to be taken by either powers within six months after the proclamation of the peace, that the same, with the people and effects, shall be restored. Made and declared in the presence of the Emperor's servant Ahammed Basha, son of Alli, son of Abdula, by the authority given to him by the Emperor. Dated this 23d of January, in the year 1721, English stile. Wrote and given to Charles Stewart, Esq; the English ambassador, in the seventh year of the reign of our late royal father King George the First.

WE having seen and considered the above-written treaty, with the additional articles, have approved, ratified, and confirmed the same, in all and singular their clauses, as by these presents we do approve, ratify, and confirm the same, for us, our heirs, and successors, engaging and promising on our royal word, sacredly and inviolably to perform and observe all and singular their contents,

tents, and never to suffer, as far as in us lies, any person to violate the same, or in any manner to act contrary thereto. In witness whereof we have caused our great seal of Great-Britain to be affixed to these presents, signed with our royal hand. Given at our Court at Kensington the Thirty-first day of July, in the year of our Lord, 1751, and of our reign the twenty-fifth.

GEORGE R.

*Treaty of peace and commerce, between the most serene and mighty Prince GEORGE the Second, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Christian Faith, Duke of Brunswick and Lunenburgh, Arch-Treasurer and Elector of the Holy Roman Empire, &c. &c. &c. And the most excellent and illustrious Lords, Mahammet Bashaw Gramali, Dey, Governor, and Captain General, Seedy Ali Bey, Seedy Haslan Kiaja, the Divan, and all the Officers, Soldiers, and People of the noble city and kingdom of Tripoli in Barbary, renewed, agreed on, and confirmed, by the honourable Augustus Keppel, Commander in chief of his Britannick Majesty's ships and vessels in and about the Mediterranean seas, and Robert White, Esq; his said Serene Majesty's agent and Consul general to the Dey and State of Tripoli, furnished with his Majesty's full powers for that purpose.*

Article I.

**I**N the first place it is agreed and concluded, That from this time forward, for ever, there shall be a true and inviolable peace, between the most Serene King of Great-Britain, and the most illustrious Lords and Governors of the city and kingdom of Tripoli in Barbary; and between all the dominions and subjects of either side; and if the ships and subjects of either party, shall happen to meet upon the seas, or elsewhere, they shall not molest each other, but shall shew all possible respect and friendship.

II. That all merchant ships belonging to the dominions of Great-Britain, and trading to the city, or any part of the kingdom of Tripoli, shall pay no more than Three



per Cent. custom, for all kinds of goods they shall sell; and for such as they shall not sell, they shall be permitted freely to embark it again on board their ships, without paying any sort of duty whatsoever, and shall depart without any hindrance or molestation.

III. That all ships and other vessels, as well those belonging to the said King of Great-Britain, or to any of his Majesty's subjects, as those belonging to the kingdom or people of Tripoli, shall freely pass the seas, and traffick where they please, without any search, hinderance or molestation from each other: And that all persons or passengers, of what country soever; and all monies, goods, merchandizes, and moveables, to whatsoever people or nation belonging, being on board of any the said ships or vessels, shall be wholly free, and shall not be stopped, taken or plundered from either party.

IV. The Tripoli ships of war, or any other vessels thereunto belonging, meeting with any merchant ships, or other vessels of the King of Great-Britain's subjects not being in any of the seas appertaining to any of his Majesty's dominions) may send on board one single boat, with two fitters, besides the ordinary crew of rowers; and no more but the two fitters to enter any of the said merchant ships, or any other vessels, without the express leave of the commander of every such ship or vessel; and then, upon producing unto them a pass under the hand and seal of the Lord High Admiral of England, the said boat shall presently depart, and the merchant ship or ships, vessel or vessels, shall proceed freely on her or their voyage: And although the commander or commanders of the said merchant ship or ships, vessel or vessels, produce no pass from the Lord High Admiral of England, yet if the major part of the ship's or vessel's company be subjects to the said King of Great-Britain, the said boat shall presently depart, and the merchant ship or ships, vessel or vessels, shall proceed freely on her or their voyage: And any of the said ships of war, or other vessels of his said Majesty, meeting with any ship or ships, vessel or vessels, belonging to Tripoli, if the commander of any such ship or ships, vessel or vessels, shall produce a pass, signed by the chief governors of Tripoli, and a certificate from the English Consul

ful living there ; or if they have no such pass or certificate, yet if the major part of their ship's company or companies be Turks, Moors or Slaves belonging to Tripoli, then the said Tripoli ship or ships, vessel or vessels, shall proceed freely.

V. That no commander, or other person, of any ship or vessel of Tripoli, shall take out of any ship or vessel of his said Majesty's subjects, any person or persons whatsoever, to carry them any where to be examined, or upon any other pretence, nor shall use any torture or violence unto any person of what nation or quality soever, being on board any ship or vessel of his Majesty's subjects, upon any pretence whatsoever.

VI. That no shipwreck belonging to the said King of Great-Britain, or to any of his Majesty's subjects, upon any part of the coasts belonging to Tripoli, shall be made or become prize ; and that neither the goods thereof shall be seized, nor the men made slaves ; but that all the subjects of Tripoli shall do their best endeavours to save the said men and their goods.

VII. That no ship, or any other vessel of Tripoli, shall have permission to be delivered up, or to go to any other place in enmity with the said King of Great-Britain, to be made use of as Corsairs at sea against his said Majesty's subjects.

VIII. That if any ship or vessel of Tunis, Algier, Tetuan, or Sally, or any other place, being in war with the said King of Great-Britain, bring any ships or vessels, men or goods, belonging to his said Majesty's subjects, to Tripoli, or to any port or place in that kingdom, the governors there shall not permit them to be sold within the territories of Tripoli, like as it agreed at Algiers,

IX. That if any subject of the King of Great-Britain happens to die in Tripoli, or its territories, his goods or money shall not be seized by the governors, or any ministers of Tripoli, but shall all remain with the English Consul.

X. That neither the English Consul, nor any other subject of the said King of Great-Britain, shall be bound to pay the debts of any other of his Majesty's subjects, unless they become surety for the same by a publick act.

XI. That

XI. That the subjects of his said Majesty in Tripoli, or its territories, in matter of controversy, shall be liable to no other jurisdiction but that of the Dey or Divan, except they happen to be at difference between themselves, in which case they shall be liable to no other determination but that of the Consul only.

XII. That in case any subject of his Majesty, being in any part of the kingdom of Tripoli, happen to strike, kill, or wound a Turk or Moor, if he be taken, he is to be punished in the same manner, and with no greater severity than a Turk ought to be, being guilty of the same offence; but if he escape, neither the said English Consul, nor any other of his said Majesty's subjects, shall be in any sort questioned or troubled upon that account, and no tryal or sentence to be passed without the Consul being present.

XIII. That the English Consul now, or at any time hereafter, living at Tripoli, shall be there at all times with entire freedom and safety of his person and estate, and shall be permitted to choose his own druggerman and broker, and freely to go on board any ship in the road, as often and when he pleases, and to have the liberty of the country; and that he shall be allowed a place to pray in; and that no man shall do him any injury, either in word or deed; and that he shall have liberty at all times of hoisting his Majesty's flag at the top of his house, and on his boat, when he passes on the water.

XIV. That not only during the continuance of this peace and friendship, but likewise if any breach or war happen to be hereafter, between the said King of Great-Britain, and the city and kingdom of Tripoli, the said Consul, and all other his Majesty's subjects, inhabiting in the kingdom of Tripoli, shall always, and at all times, both of peace and war, have full and absolute liberty to depart, and go to their own country, or any other, upon any ship or vessel, of what nation soever they shall think fit, and to carry with them all their estates, goods, families and servants, although born in the country, without any interruption or hinderance.

XV. That no subject of his said Majesty, being a passenger from or to any port, shall be any way molested or meddled with, either in person or property, although on board



board any ship or vessel in enmity with Tripoli; and the same is to be regarded in favour of the subjects of Tripoli.

XVI. That when any of his Majesty's ships of war shall appear before Tripoli, upon notice thereof given by the English Consul, or by the commander of the said ships, to the chief governors of Tripoli, publick proclamation shall be immediately made to secure the Christian captives; and if after that, any Christians whatsoever make their escape on board any of the said ships of war, they shall not be required back again, nor shall the said Consul or commander, or any other his Majesty's subjects, be obliged to pay any thing for the said Christians.

XVII. That all merchant ships coming to the city or kingdom of Tripoli, though not belonging to Great-Britain, shall have free liberty to put themselves under the protection of the British Consul, in selling and disposing of their goods and merchandize, if they shall think proper, without any hindrance or molestation.

XVIII. That at all times when any ship of war of the King of Great-Britain, &c. carrying his said Majesty's flag, appears before the said city of Tripoli, and comes to an anchor in the road, immediately after notice thereof given by his said Majesty's Consul, or officer from the ship, unto the Dey and government of Tripoli, they shall, in honour to his Majesty, cause a salute of twenty-seven cannon to be fired from the castle and forts of the city, and that the said ship shall return an answer by firing the same number of cannon.

XIX. That no subject of the King of Great-Britain shall be permitted to turn Turk or Moor in the city and kingdom of Tripoli; (being induced thereunto by any surprize whatsoever) unless he voluntarily appear before the Dey or Governor, with the English Consul's druggerman, three times in three days, and each day declare his resolution to turn Turk or Moor.

XX. Whereas it is customary for the European Consuls to pay their respects to the Bashaw at the feasts of Ramadan and Birham, it is hereby declared, That his Britannick Majesty's Consul shall be admitted first to audience, and take the precedency of all other Consuls, in consideration

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ration of the English being the oldest friends to the State of Tripoli.

XXI. That whereas the island of Minorca in the Mediterranean sea, and the city of Gibraltar in Spain, do now belong to his Majesty the King of Great-Britain; it is therefore hereby agreed, That from this time forward, for ever, the said island of Minorca, and city of Gibraltar, shall be esteemed, in every respect, by the Bawhaw and government of Tripoli, to be part of his Britannick Majesty's own dominions, and the inhabitants thereof shall be looked upon as his Majesty's natural subjects, in the same manner as if they had been born in any part of Great-Britain; and they, with their ships and vessels wearing British colours, and being furnished with Mediterranean passes, shall be permitted freely to trade and traffick in any part of the kingdom of Tripoli, or dominions thereunto belonging, and shall pass without any molestation whatsoever, either on the seas or elsewhere, in the same manner, and with the same freedom and privileges, as have been stipulated in this and all former treaties, in behalf of the British nation and subjects; and that none of the ships or vessels belonging to Tripoli, shall cruize or look for prizes, before, or in sight of the ports of the island of Minorca, and the city of Gibraltar, to disturb or molest the trade thereof in any manner whatsoever.

XXII. That if any of the ships of war of the said King of Great-Britain come to Tripoli, or to any other port or place of that kingdom, with any prize, they may freely sell it, or otherwise dispose of it, at their own pleasure, without being molested by any; and that his Majesty's said ships of war shall not be obliged to pay customs in any sort; and that if they shall want provisions, victuals, or any other things, they may freely buy them at the rates in the market.

XXIII. That whensoever it shall happen hereafter, that any thing is done or committed, by the ships or subjects of either side, contrary to any of these articles, satisfaction being demanded therefore, the same shall be made to the full, and without any manner of delay; and it shall not be lawful to break this peace, until such satisfaction be denied;

denied; and whosoever shall be the cause of breaking this peace, shall assuredly be punished with present death.

XXIV. That his Britannick Majesty's subjects (over and above the stipulations contained in this and all former treaties) shall enjoy all the privileges and advantages, which now are, or which hereafter may be, granted to any of the subjects of the most favoured nation.

XXV. That in case any of his said Majesty's subjects shall import into the said kingdom of Tripoli, or into any of the ports or dominions thereunto belonging, any warlike stores, as cannons, muskets, pistols, cannon powder, or fine powder, brimstone, bullets, iron, planks, and all sorts of timber fit for building of ships, pitch, tar, rosin, ropes, cables, masts, blocks, anchors, sails, and all other habiliments of war, as well by sea as by land; as also provisions, viz. wheat, barley, beans, oats, or the like, they shall not pay any sort of duty or custom whatsoever.

XXVI. That new Mediterranean passes shall be issued out and given to his said Majesty's trading subjects, with all convenient speed, and that the time for the continuance of the old passes, for the ships in the Indies and remote parts, shall be three years; and for all other ships and vessels, one year; to commence from the delivery of the counter-tops of the new passes at Algiers; of which his Majesty's Consul here, shall give the earliest notice to the Bashaw and government; and it is hereby expressly agreed and declared, that the said new passes shall, during the above-mentioned spaces of time of three years and one year, be of full and sufficient force and effect to protect all ships and vessels of his said Majesty's subjects, wito shall be provided with the same.

XXVII. That no merchant ship belonging to Great Britain, or any other nation under the protection of the British Consul, being in the port of Tripoli, shall be detained from proceeding to sea on her voyage, longer than eight days, under the pretence of arming out the ships in war of the government, or any other whatsoever.

XXVIII. That if at any time the garrisons of Gibraltar or Port-Mahon should be in want of provisions and should send for the same to Tripoli, or any part



the dominions thereof, they shall, if it is to be had, be supplied with it at the market-price.

XXIX. That all packets, bearing his Britannick Majesty's commission, which shall be met by any of the cruizers of Tripoli, shall be treated with the same respect as his Majesty's ships of war, and all due respect shall be paid to his Majesty's commission; and both at meeting and parting, they shall be treated as friends; and if any of the Tripoli cruizers commit the least fault or violence against them, the captains or raizes, so offending, shall, on their arrival at Tripoli, and proper complaint being made of them, be most severely punished, without admitting of their excuses.

XXX. That all and every the articles in this treaty shall be inviolably kept and observed between his most sacred Majesty of Great-Britain, and the most illustrious the Bashaw, Lord and Governors of the city and kingdom of Tripoli, and between the dominions and subjects of either side; and our faith shall be our faith, and our word our word. Dated in the presence of Almighty God, in the city of Tripoli, this nineteenth day of September, One thousand seven hundred and fifty one, according to the Christian computation, and of the Turkish Hageira, One thousand one hundred and sixty four, the twenty ninth day of the moon Shawan.

A. KEPPEL.  
ROBERT WHITE.

DIVAN.  
KIAJA.  
BEY.  
BASHAW.

Treaty of peace and commerce, between the most serene and  
 mighty Prince GEORGE the Second, by the Grace of  
 God, of Great-Britain, France, and Ireland, King, De-  
 fender of the Christian Faith, Duke of Brunswick and  
 Lunenburg, Arch-Treasurer and Elector of the Holy  
 Roman Empire, &c. &c. &c. &c. And the most ex-  
 cellent and illustrious Lord Ali Pascha, Begler Bey and  
 supreme Commander of the State of Tunis, renewed,  
 agreed on, and confirmed, by the honourable Augustus  
 Keppel, Commander in chief of his Britannick Ma-  
 jesty's ships and vessels in and about the Mediterranean  
 seas, and Charles Gordon, Esq; his said Serene Majesty's  
 agent and Consul general to the State of Tunis, furni-  
 shed with his Majesty's full powers for that purpose.

## Article I.

**T**HAT all former grievances and losses, and other  
 pretences between both parties, shall be void and of  
 no effect; and from henceforward there shall be a firm  
 peace for ever, and free trade and commerce, between  
 his Britannick Majesty's subjects, and the people of the  
 kingdom of Tunis, and dominions thereunto belonging.  
 But this article shall not cancel or make void any just  
 debt, either in commerce or otherwise, between the sub-  
 jects on both sides, but the same may be demanded and  
 recovered as before.

II. That the ships of either party shall have a free li-  
 berty to enter into any port or river belonging to the do-  
 minions of the other, where they shall pay duty only for  
 what they sell, and, for the rest, may freely export  
 again without molestation; and shall enjoy all other ac-  
 customed privileges: And the late exaction that hath been  
 at the Goletta and the Marine, shall be reduced to the  
 ancient customs in those cases.

III. That there shall not be any seizure made of any  
 the ships of either party, either at sea or in port, but they  
 shall pass without any interruption, they displaying their  
 colours; and to prevent any misunderstandings, the ships  
 of Tunis shall be furnished with certificates, under the  
 hand

hand and seal of the British Consul, of their belonging to Tunis, which they are to produce on meeting any English ship, on board of whom they shall have liberty of sending two men only, peaceably to satisfy themselves of their being English, who, as well as any passengers of other nations they may have on board, shall go free, both them and their goods.

IV. That if an English ship receive on board any goods or passengers belonging to the kingdom of Tunis, they shall be bound to defend them and their goods, so far as dyeth in their power, and not deliver them unto their enemies; and the better to prevent any unjust demands being made upon the crown of Great-Britain, and to avoid disputes and differences that might arise, all goods and merchandize that shall from henceforward be shipp'd by the subjects of Tunis, either in this port, or in any other whatsoever, on board the ships or vessels belonging to Great-Britain, shall be first entered in the office of Cancellaria, before the British Consul residing at the respective port, expressing the quantity, quality, and value of the goods so shipp'd, which the said Consul is to manifest in the clearance given to the said ship or vessel before she departs; to the end that if any cause of complaint should happen hereafter, there may be no greater claim made on the British nation, than by this method shall be proved to be just and equitable.

V. That if any of the ships of either party shall, by accident of foul weather, or otherwise, be cast away upon any of the coasts belonging to the other, the persons shall be free, and the goods saved and delivered to the proprietors thereof.

VI. That the English which do at present, or shall at any time hereafter, inhabit in the city or kingdom of Tunis, shall have free liberty, when they please, to transport themselves, with their families and children, although born in the country.

VII. That the people belonging to the dominion of either party, shall not be abused with ill language, or otherwise ill treated, but the parties so offending, shall be punished severely according to their deserts.



VIII. That the Consul or any other of the English nation residing in Tunis, shall not be obliged to make their addresses, in any difference, unto any court of justice, but to the Bashaw himself, from whom only they shall receive judgment, in case the difference should happen between a subject of Great-Britain, and another of this government, or any other foreign nation; but if it should be between two of his Britannick Majesty's subjects, then it is to be decided by the British Consul only.

IX. That neither the English Consul, nor any other of his Majesty's subjects, shall be liable to pay the debts of any other of the nation, unless particularly bound thereto under his own hand.

X. That whereas the island of Minorca in the Mediterranean sea, and the city of Gibraltar in Spain, do now belong to his Majesty the King of Great-Britain; it is hereby agreed and fully concluded, That from this time forward, for ever, the said island of Minorca, shall be esteemed, (as likewise Gibraltar) by the government of Tunis, to be, in every respect, part of his Britannick Majesty's dominions, and the inhabitants thereof shall be looked upon as his Majesty's natural born subjects, in the same manner as if they had been born in any other part of Great-Britain; and they, with their ships and vessels wearing British colours, shall be permitted freely to trade and traffick in any part of the kingdom of Tunis, and shall pass, without any molestation whatsoever, either on the seas or elsewhere, in the same manner, and with the same freedom and privileges, that have been stipulated in this and all former treaties, in behalf of the British nation and subjects.

XI. That the better and more firmly to maintain the good correspondence and friendship that have been so long and happily established between the crown of Great-Britain and the government of Tunis, it is hereby agreed and concluded by the parties before-mentioned, that none of the ships and vessels belonging to Tunis, or the dominions thereof, shall be permitted to cruize or look for prizes, of any nature whatsoever, before, or in sight of the aforesaid city of Gibraltar, or any of the ports in the island

island of Minorca, to hinder or molest any vessels bringing provisions and refreshments for his Britannick Majesty's troops and garrisons in those places, or to give any disturbance to the trade and commerce thereof: And if any prize shall be taken by the ships or vessels of Tunis, within the space of ten miles of the aforesaid places, the shall be restored without any contradiction.

XII. That all the ships of war belonging to the dominions of either party, shall have freely liberty to use each other's ports, for washing, cleaning and repairing any their defects, and to buy and ship off any sort of victuals, alive or dead, or any other necessaries, at the price the natives buy at in the market, without paying custom to any officer. And whereas his Britannick Majesty's ships of war do frequently assemble and harbour in the port of Mahon in the island of Minorca; if, at any time, they, or his Majesty's troops in garrison there, should be in want of provisions, and should send from thence to purchase supplies in any part of the dominions belonging to Tunis, they shall be permitted to buy cattle alive or dead, and all other kinds of provision, at the prices they are sold in the market, and shall be suffered to carry it off without paying duty to any officer, in the same manner, as if his Majesty's ships were themselves in the port.

XIII. That in case any ships of war belonging to the dominions of Tunis, shall take, in any of their enemies ships, any Englishmen serving for wages, they are to be made slaves; but if merchants or passengers, they are to enjoy their liberty and goods free.

XIV. That if any slave of Tunis should make his escape from thence, and get on board an English man of war, the said slave be free, and neither the English Consul, nor any of his nation, shall in any manner be questioned about the same.

XV. That the better to prevent any disputes that may hereafter arise between the two parties about salutes and publick ceremonies, it is hereby agreed and concluded, that whenever any flag officer of Great-Britain, shall arrive in the Bay of Tunis, in any of his Majesty's ships of war, there shall be shot off from the castles of the Goletta, or other the nearest fortification belonging to Tunis,

a number of guns according to custom, as a royal salute to his British Majesty's colours, and the same number shall be returned in answer thereto by his Majesty's ships; and it is hereby stipulated and agreed, that all ceremonies of honour shall be allowed to the British Consul who resides here, to represent equal in every respect his Majesty's person, to any other nation whatsoever, and no other Consul in the kingdom to be admitted before him in precedence.

XVI. That the subjects of his most sacred Majesty of Great-Britain, &c. either residing in, or trading to the dominions of Tunis, shall not, for the time to come, pay any more than three per cent. custom, on the value of the goods or merchandize which they shall either bring into or carry out of the kingdom of Tunis.

XVII. It is moreover agreed, concluded and established, that at whatsoever time it shall please the government of Tunis, to reduce the customs of the French nation to less than they pay at present, it shall always be observed, that the British customs shall be two per cent. less than any agreement that shall for the future be made with the said French, or that shall be paid by the subjects of France.

XVIII. It is moreover agreed, concluded and established, That in case any British ship or ships, or any of the subjects of his Majesty of Great-Britain, shall import at the port of Tunis, or any port of this kingdom, any warlike stores, as cannons, muskets, pistols, cannon powder, or fine powder, bullets, masts, anchors, cables, pitch, tar, or the like; as also provisions, viz. wheat, barley, beans, oats, oil, or the like, for the said kind of merchandize they shall not pay any sort of duty or custom whatsoever.

XIX. That in case a war should happen between his Britannick Majesty and any other state or nation whatever, the ships of Tunis shall not in any sort afford assistance to the enemies of his Majesty or his subjects.

XX. That if an Englishman kills a Turk, he shall be judged before the Caddi of the place, according to justice: If he is found guilty of the crime, he shall be punished with death; but if he escape, the Consul shall not be molested, or called upon for that account; and the Consul shall



shall always have timely notice, that he may have an opportunity of being present at the trial.

XXI. That if at any time a war or rupture happen between the two contracting powers, the English Consul and his nation may freely depart with all their goods and effects: And this article is to be reciprocal for the subjects of Tunis.

XXII. That whereas Gibraltar and the island of Minorca do belong to his Britannick Majesty, if at any time any of the cruisers of Tunis should meet with any vessels of the said places, under English colours, furnished with proper passports, they shall be treated in all respects like other English ships, provided that there be no more than one third part of the ship's company who are not subjects of his said Majesty, for, in such case, they (the said strangers) shall be deemed as prisoners: But it is allowed to embark as many merchants or passengers as they see good, be they of what nation soever: And if at any time a Tunis man of war shall take a ship from their enemies, on board of which may happen to be any English subjects, they shall be immediately released, with all their goods and merchandize, provided always, that they be provided with proper passports; and this article is to be observed reciprocally on the parts of the English.

XXIII. That if any British ships or vessels meet with any of the ships or vessels belonging to the state of Tunis, and there should be any injury or offence given by either side, justice being properly demanded, shall be immediately done, and the aggressor shall be severely punished, without it occasioning any breach of war.

XXIV. That his Britannick Majesty's subjects shall be always treated, by the state of Tunis, with the highest degree of respect, love and honour, because the English, of all other powers, are their first and best friends.

XV. That new Mediterranean passes shall be issued out and given to his said Majesty's trading subjects, with all convenient speed, and that the time for the continuance of the old passes, for the ships in the Indies and remote parts, shall be three years; and for all other ships and vessels, one year; to commence from the delivery of the counter-tops of the new passes at Algiers; of which his

Majesty's Consul here, shall give the earliest notice to this state; and it is hereby expressly agreed and declared, that the said new passes shall, during the above-mentioned spaces of time of three years and one year, be of full and sufficient force and effect to protect all ships and vessels of his said Majesty's subjects, who shall be provided with the same.

XXVI. That all packets bearing his Britannick Majesty's commission, which shall be met by any of the cruizers of Tunis, shall be treated with the same respect as his Majesty's ships of war; and all due respect shall be paid to his Majesty's commission, and both at meeting and parting they shall be treated as friends; and if any of the cruizers of Tunis commit the least fault or violence against them, the captains or raizes so offending, shall, on their arrival at Tunis, and proper complaint being made of them, be most severely punished, without admitting of their excuses.

All the preceding articles of this treaty, having been approved of and agreed to, are hereby ratified, renewed and confirmed, between his most sacred Majesty the King of Great-Britain, &c. and the most illustrious Lord Ali Pasha, Begler Bey and supreme Commander of the State of Tunis, which let no one presume to infringe or violate. Dated in the presence of Almighty God, at the Palace of Bardo near Tunis, this nineteenth day of October, One thousand seven hundred and fifty-one, according to the Christian computation; and of the Turkish Hageira, One thousand one hundred and sixty-four, the tenth day of the Moon Zil Hadgi Sheriffay.

A. KEPPEL. (L.S.)

CHA. GORDON. (L.S.)

## ADDITIONAL ARTICLE

*To the ancient Treaties subsisting between his Britannick Majesty and the Dey and Government of Algiers, agreed to by the present Dey, Mahomet, and his said Majesty's Plenipotentiaries, the Honourable Augustus Keppel, and Ambrose Stanyford, Esq; his Majesty's Agent and Consul General at Algier.*

**T**HAT all packets or express-boats, bearing his Britannick Majesty's commission, which shall be met by any of the cruizers of Algiers, shall be treated with the same respect as his Majesty's ships of war, and all due respect shall be paid to his Majesty's commission; and both at meeting and parting they shall be treated as friends: And if any of the Algerine cruizers commit the least fault or violence against them, the captains or raizes so offending shall, on their arrival at Algiers, and proper complaint being made of them, be most severely punished, without admitting of their excuses. Dated at Algiers the third day of June, 1751, and in the year of Hageira, 1164, the twentieth day of the Moon Regil.

*Treaty between his Britannick Majesty, and her Imperial Majesty of all the Russias. Signed at St. Petersburg, September 1<sup>st</sup>, 1755. Together with the two separate and secret Articles belonging thereto.*

In the name of the Holy and Undivided Trinity.

**W**HEREAS the sincere and intimate friendship, which unites his Britannick Majesty and her Imperial Majesty of all the Russias, as well as the engagements which they contracted by the treaty of defensive alliance of the year 1742, oblige them, at all times, to be watchful of the publick tranquillity, and their reciprocal security: and whereas, in the present conjuncture of affairs, the preservation of the general peace, and the defence of their respective dominions, rights and subjects, have appeared to them necessarily to require, that they should be guarded against



against the attacks, with which they may be threatened on the part of any power whatever, by securing a body of troops capable of making a powerful diversion, in case of such attacks: And whereas, considering the present situation, the contingents of the succours, stipulated by the above-mentioned treaty, would not be sufficient for all the aforesaid objects: His Britannick Majesty and her Imperial Majesty of all the Russias, have thought proper to concert, before-hand, the further measures of precaution, which the general tranquility, and their common interests and security, seem to demand; and for this purpose, they have authorized their respective ministers; that is to say, his Majesty the King of Great-Britain, Sir Charles Hanbury Williams, Knight of the most honourable order of the Bath, one of the members of the parliament of Great-Britain, and his Ambassador at the court of the Emperess of all the Russias; and her Imperial Majesty of all the Russias, her Chancellor, actual Privy-Counsellor, Senator, and Knight of the orders of St. Andrew, of the White Eagle, and of St. Alexander Newsky, Alexis Count de Bestoucheff Rurmin; and her Vice-Chancellor, actual Privy-Counsellor, Lieutenant of the company of the body-guards, actual Chamberlain, and Knight of the orders of St. Andrew, of the White Eagle, of the Black Eagle, of St. Alexander Newsky, and of St. Anne, Michael Count de Woronzow; who, having communicated to each other their respective full powers, and having conferred together, have agreed on the following articles.

I. The high contracting parties renew expressly, by this convention, the treaty of defensive alliance, concluded between them, the 11th of December, 1742, at Moscow, in all its articles; and confirm the stipulations of the succours to be given reciprocally, as they are contained in the IVth article of the said treaty; which succours shall be furnished, on each side, in the manner and on the conditions therein expressed.

II. Whereas it is declared by the XVIIth article of the above-mentioned alliance; "That if the succours therein stipulated should not be sufficient, the contracting parties shall then agree, without delay, on the further succours to be given;" and as that would not answer the

ends proposed, and there may happen cases, which may not allow them time to agree thereupon; in order to obviate the inconveniences which would necessarily result from such a delay, they have agreed to settle from henceforth, and at all events, the means of their defence. With this view, her Imperial Majesty of all the Russias has not only caused to march towards the frontiers of Livonia, adjoining to Lithuania, but engages also, to hold there, as long as this convention shall subsist, as near to those frontiers as the quarters will permit, a body of her troops, amounting to 55,000 men; that is to say, 40,000 infantry of her regular troops, furnished with the necessary artillery, and 15,000 cavalry, composed of three regiments of Cuirassiers, of twenty companies of Horse Grenadiers, of two regiments of Hussars, and the remainder of Light troops, to wit, of Cossacks and Calmucks, each with two stories, as many as shall be wanting to compleat these 15,000 cavalry; so that the whole infantry and cavalry shall form a compleat body of 55,000 men.

III. Her Imperial Majesty engages, moreover, to cause to be held in readiness, during the time above specified, on the coasts of the above-mentioned province, 40 or 50 gallies, with the necessary crews, in condition to act on the first order.

IV. The body of troops and the gallies, mentioned in the two preceding articles, shall not be put in activity, but in case his Britannick Majesty, or any of his allies, should be attacked; and, in that case, the general commander in chief of the said corps, who, for this purpose, shall be furnished before-hand with the orders of her Imperial Majesty of all the Russias, shall march as soon as he shall receive the requisition on the part of his Britannick Majesty; and shall make, as soon as possible, a diversion with a body of 30,000 infantry, provided with the necessary artillery, and with all the 15,000 cavalry, above-mentioned; and shall embark at the same time the other 10,000 infantry, on board the 40 or 50 gallies, in order to make a descent, according to the exigence of the case, and the utility of the service.

V. In case the dominions of his Britannick Majesty in Germany, should be invaded on account of interests or disputes

disputes which regard his kingdoms; her Imperial Majesty declares, that she will look upon such an invasion, as a case of the above-said alliance of 1742, and that the said dominions shall be therein comprized in this respect.

VI. In consideration of so important an augmentation of the succour stipulated by the treaty of defensive alliance above-mentioned, as also of all the other extraordinary expences, which the march and maintenance of troops in Livonia, with the artillery and its appurtenances, as well as the preparations of galleys may have cost, or shall still cost; his Britannick Majesty promises and engages to cause to be paid to her Imperial Majesty of all the Russias, the sum of 200,000 pounds sterling per annum, to be reckoned from the day when the body of her troops shall have passed the frontiers of her dominions, in consequence of the requisition made by his Majesty the King of Great-Britain; this sum shall be paid by Baron Wolff, resident of Great-Britain, in the place where it shall be demanded, at the rate of 10 florins and 15 stivers, current money of Holland, for every pound sterling, and always four months in advance; and the first payment thereof shall be made the day that this body shall go out of the dominions of her Imperial Majesty.

VII. Whereas her Imperial Majesty of all the Russias is particularly interested in the preservation of the tranquillity of the north, and that no innovation should happen in the neighbourhood of her dominions; considering also the proximity of the countries, wherein the diversion in question will probably be made, and the facility her troops will have of subsisting immediately in an enemy's country; she takes upon herself alone, during such a diversion, the subsistence and treatment of the said troops, by sea and land, as also the heavy artillery, which they may have occasion for, and of the details thereto belonging.

VIII. Her Imperial Majesty engages to continue the diversion to be made, and not to recal her troops, even though she should be attacked by any other power. On the other hand, his Britannick Majesty promises, that, in case her Majesty the Empress should be disturbed in the said diversion, or should be attacked herself; his Britannick Majesty will furnish immediately the succour stipulated by the treaty of 1742.



IX. In case, that, contrary to all expectation, a war should break out, his Britannick Majesty engages to send into the Baltic Sea a squadron of his ships, of a force suitable to the circumstances; and the Admiral of this squadron shall act in concert with the Imperial Russian army, as long as they shall be within reach of each other.

X. For the conveniency and readiness of correspondence, his Britannick Majesty shall keep, with the auxiliary body, (which shall be commanded solely by the General, whom her Majesty the Empress shall put at their head, to whom also the person who shall command the galleys, is to be subject) a commissary, who, as well as the Admiral of the British squadron, in case there should be one, shall always be invited and admitted to the general councils of war; and shall have, moreover, communication of every thing, which may concern the common service.

XI. All the plunder which the Russian troops shall gain from the enemy, of what nature and quality soever, shall be for the advantage of those same troops.

XII. In case these auxiliary troops should be obliged to pass, in their march, the territories of the Republic of Poland, his Britannick Majesty takes upon himself the care of obtaining from his Polish Majesty, and the Republic of Poland, free passage through the said territories.

XIII. This convention shall subsist for the space of four years, to be reckoned from the day when the ratifications of it shall be exchanged.

XIV. In case peace should be made, or the object of the diversion to be made should cease to exist, before the expiration of the four years above-mentioned; the above-said auxiliary body shall return also, before that time, into the dominions of her Imperial Majesty; and his Britannick Majesty consents, that, after the return, the said body shall enjoy three months of the succour agreed on. But, in case peace should not be made before that term, then the contracting parties shall agree further upon the prolongation of this convention.

XV. The present convention shall be ratified, and the letters of ratification shall be exchanged at St. Petersburg within the term of two months, or sooner if that can be done.

In

In witness, whereof, we the under-written ministers, have made two copies of this convention, of the same tenor, the which, by virtue of our full powers, we have signed, and thereto put the seals of our arms. Done at St. Petersburg, this 1<sup>st</sup> of September, in the year 1755.

*C. Hanbury Williams,* (L. S.)

*Alexij, Comte de Bestoucheff Rumin,* (L. S.)

*Michel, Comte de Woronzow,* (L. S.)

#### First Separate and Secret Article.

**W**HEREAS her Imperial Majesty of all the Russia has caused to be represented to his Britannick Majesty, that the march of the troops, as well infantry as cavalry, stipulated in the treaty signed this day, towards the frontiers of Livonia, as also the artillery, with what belong thereto, with which her Imperial Majesty has charged herself; and the expence required to maintain them there during four years, as well as the necessary preparations for keeping in readiness the galleys during the said term, have already cost, and must still cost great sums of money, over and above what would otherwise have been necessary for the ordinary service of these troops: In consideration of what is above, and of the great utility which the remaining of such a body of troops in the above-mentioned province during the term of four years, will be of; and the better to enable her Imperial Majesty to supply the expence thereof; his Britannick Majesty has been pleased to engage himself by this article, to furnish a succour of 100,000 pounds sterling per annum, payable each year in advance to be reckoned from the day of the exchange of the ratifications to the day, that, on the requisition of his Britannick Majesty, this body of Russian troops shall go out of her Imperial Majesty's dominions; for, from that day the abovesaid succour of 100,000 pounds sterling is entirely to cease, because the payment of the sum of 500,000 pounds sterling per annum, which has been agreed upon by the VIth article of the treaty, must commence and be substituted in the room of it; so that, whatever shall the

be found paid in advance at the rate of the abovesaid 100,000 pounds sterling per ann. shall be discounted and deducted from the payment of the 500,000 pounds sterling. It being to be understood, that his Britannick Majesty should be at liberty to send once every year, into the said province of Livonia, a commissary, to see and examine the number and condition of the said troops. Moreover, what is stipulated in the VIth article of the treaty signed this day, with regard to the manner of paying the succour in money, is expressly confirmed by this present article.

This separate and secret article shall be of the same force and vigour, as if it was inserted word for word in the treaty signed this day; and shall be approved and ratified in like manner; and the ratification thereof shall be exchanged at the same time, and at the same place, as the principal treaty.

In witness whereof, we the underwritten Plenipotentiary Ministers have signed the present article, and put the seals of our arms thereto. Done at St. Petersburg this 1<sup>st</sup> of September, 1755.

*C. Hanbury Williams,*

(L. S.)

*Alexij, Comte de Bestoucheff Rumin,*

(L. S.)

*Michel, Comte de Woronzow,*

(L. S.)

#### Second separate and secret Article.

**W**HEREAS her Imperial Majesty of all the Russias has engaged herself, by the treaty signed this day, to furnish to his Majesty the King of Great-Britain so considerable a succour, and will consequently take a great share in the war, if one should happen; the two high contracting parties engage themselves mutually to communicate to each other confidentially, every thing that may relate to any negotiation with the common enemy; and shall employ, in concert, all their efforts, to procure themselves a peace on honourable and advantageous conditions for their reciprocal interests.

This separate and secret article shall be of the same force and vigour, as if it was inserted word for word in the treaty



treaty signed this day; and shall be approved and ratified in like manner; and the ratification thereof shall be exchanged at the same time, and at the same place, as the principal treaty.

In witness whereof, we the underwritten Plenipotentiary Ministers have signed the present article, and put the seals of our arms thereto. Done at St. Petersburg this 1<sup>st</sup> of September, 1755.

*C. Hanbury Williams,*

(L. S.)

*Alexij, Comte de Bestoucheff Rumin,*

(L. S.)

*Mitel, Comte de Woronzow,*

(L. S.)

*Treaty between his Britannick Majesty and her Imperial Majesty of all the Russias. Together with the four separate Articles belonging thereto. Signed at Moscow, December 11, 1742.*

In the Name of the most Holy Trinity.

**W**HEREAS the most serene, most high, and most potent Prince and Lord, George the Second, King of Great-Britain, France and Ireland, Duke of Brunswick and Lunenburg, Elector and Arch-Treasurer of the Roman Empire, &c. And the most serene, most high, and most potent Princess and Lady, Elizabeth Petrowna, Empress and sole Monarch of all the Russias, &c. (pleno titulo) have considered, how useful and salutary it might be to their respective states and subjects, and also how much it might contribute to the maintaining of the general tranquility of Europe; and of that of the north in particular, not only to cultivate by all manner of good offices, as they have done hitherto, a strict union between themselves, but also to extend the obligations of their friendship, and to render it more effectual, and more applicable to the cases that might happen, by providing for their reciprocal security by a treaty of defensive alliance: For this purpose, their said Majesties have thought proper, to name and authorize Ministers on the one part, and on the other; that is to say, his Majesty the King of Great-Britain has named for

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Plenipotentiary, on his part, Sir Cyrill Wich, Baronet, his Plenipotentiary Minister to her Imperial Majesty of all the Russias; and her Imperial Majesty of all the Russias has named, for Plenipotentiaries, on her part, the Vice Chancellor of the Empire, the actual Privy Counsellor, Senator, and Knight of the orders of St. Andrew, of the White Eagle, and of St. Alexander, Alexei Count de Bestoucheff Rumin, and the Privy Counsellor, and Knight of the order of St. Alexander, Charles de Brevern; who having conferred together, by virtue of their respective full powers, have agreed upon the following articles.

I. There shall be, for ever, between his Majesty the King of Great-Britain, and her Imperial Majesty of all the Russias, their heirs and successors, as also between their kingdoms, countries, states, people and subjects, every where, as well by sea, as by land, a faithful, firm, and perpetual friendship, alliance and union; and they shall on the one side, and on the other, be so far from doing any injury or damage to each other, that they shall exert themselves in promoting their mutual interests, and in maintaining each other, reciprocally, in the kingdoms, provinces, states, rights, commerce, immunities and prerogatives whatsoever, which they were possessed of before the year 1741, or which they may acquire by treaties.

II. For this purpose it is agreed, that, if, in times to come, their said Majesties, or either of them, should be attacked by sea or land, by whomsoever it be, they shall lend each other, immediately after requisition, the necessary succours; which shall be determined, as well with regard to the nature, as to the quantity, according to what is hereafter stipulated in the following articles of this treaty.

III. His Britannick Majesty, and her Imperial Majesty, do, from henceforth declare, that they do not mean, by making this alliance, to offend or injure any one soever; but that it is, on the contrary, their only aim and design to provide, by these engagements, for their reciprocal advantage and security; and to contribute, as much as it shall depend on their care, to the preservation of the general peace of Europe, and of that of the north in particular; for which ends, they shall employ themselves in the most effectual manner possible; and shall mutually communicate to each other, their ideas and councils for that purpose.

IV. As the principal design and end of this alliance is, mutually to secure one another from all invasion, injury and damage; and as each of the high contracting parties desire nothing more ardently, than to be able always to fulfil this reciprocal engagement in the manner, which shall be most advantageous to their ally, according to the means which God has put into their hands, respectively; and as the natural strength of Great-Britain principally consists in ships of war, and that of Russia, in land forces; it is agreed, that, in case his Britannick Majesty should be attacked or disturbed in his kingdoms, provinces, states, or possessions, whatever, so as to find it necessary to require his ally's assistance; her Imperial Majesty of all the Russias will send him forthwith 10,000 infantry, and 2000 cavalry; which succours shall be continued to him, on the part of her Imperial Majesty, during the whole time, that the said attack or disturbance shall last; and, on the other hand, in case her Imperial Majesty of all the Russias should be attacked or disturbed in her kingdoms, provinces, states, or possessions whatever, so as to find it necessary to require her ally's assistance, his Britannick Majesty will send her forthwith a squadron of twelve men of war of the line, carrying 700 guns, according to the following list; two ships of 70 guns, making together 140 guns, and 960 men; six ships of 60 guns, making 360 guns, and 2400 men; four ships of 50 guns, making 200 guns, and 1200 men; in the whole 12 ships, 700 guns, and 4560 men. This squadron shall be duly fitted out, and armed for war. Which succour shall be, in like manner, continued to her, during the whole time the said attack or disturbance shall last.

V. But if the nature of the attack or invasion was such, that the party attacked, or invaded, should not find it suitable to demand the specifick succours stipulated in the preceding article, as not being proper for their defence, the said high contracting parties, in order to give each other, in every thing, proofs of their sincere and friendly intentions towards each other, have agreed, by this article, that the said case existing, they shall reciprocally succour each other, after requisition made, in the following manner; that is to say, if his Britannick Majesty should find himself attacked, her Imperial Majesty of all the Russias shall



shall cause the sum of 500,000 roubles a year to be paid to him, during the whole time, that attack or trouble, which shall have occasioned the said demand on the part of his Britannick Majesty, shall last, in order to enable him to support the expences of the war; and if it was her Imperial Majesty of all the Russias, who should be attacked, his Britannick Majesty shall furnish her the like sum of money yearly, as long as the attack or disturbance, which shall have occasioned this demand, shall last.

VI. In case the party required, after having furnished the assistance, stipulated by the fourth article of this treaty, should be attacked themselves, so that it should be necessary for them to recall their forces for their own security, they shall be at liberty to do it, two months after they shall have duly apprized the party requiring thereof; and it is likewise stipulated, that, in case the party required should, at the time of the requisition, find themselves involved in a war, so that it should be absolutely necessary to keep at home, for their own security and defence, such forces as they ought to furnish to their ally, by virtue of this treaty; when this case happens, the party required shall be dispensed with, for the time the said necessity shall last, from furnishing the above-mentioned succour.

VII. The auxiliary troops of Russia shall be provided with a field artillery of two three pounders for each battalion, and with warlike stores; and shall likewise be paid, replaced, and recruited by her Imperial Majesty of all the Russias: But his Britannick Majesty shall furnish them the portions, to wit, a pound of flesh per diem, bread, or, instead of it, sixty pounds of rye flour per month, a pound of salt, and four pounds of groats, per month, the weight reckoned upon the foot of Holland: and the rations of forage, oats, hay, &c. according to the Russian military establishment, and in Holland weight, as well as the necessary quarters; the whole upon the same foot, as those troops are used to be subsisted by her Imperial Majesty of all the Russias.

VIII. In case the said Russian auxiliary troops, being demanded by his Britannick Majesty, were to march by land; as it might be indispensable, for the said troops to pass through the dominions of some other powers, his Britannick

Britannick Majesty shall take care to procure a free passage for them, furnishing them with bread and forage, in the same manner, as is stipulated in the preceding article of this treaty: and when they shall have the sea to pass, his Britannick Majesty shall take upon himself, either to transport them in his own ships, or to furnish the expences of this transportation; which is likewise to be understood, as well with regard to the recruits, which her Imperial Majesty shall be obliged to send to the said troops, according to the preceding article, as with regard to the return of those Russian troops, upon their being either sent back by his Britannick Majesty, or recalled by her Imperial Majesty of all the Russias, for her own defence, according to the sixth article of this treaty. It is moreover stipulated, that when the aforesaid troops shall be either recalled or sent back, a sufficient convoy of men of war shall escort them for their security.

IX. When the said succours shall be respectively furnished, on the one side or the other, though each commanding officer, either of the squadron, which his Britannick Majesty is to furnish to Russia, or of the auxiliary troops of her Imperial Majesty of all the Russias, keeps the command he has been intrusted with; the general command shall indisputably belong to him, whom the party requiring shall name for that purpose; upon condition, that nothing of importance shall be undertaken, without its being previously examined, and resolved upon, in the council of war, and in the presence of the general and commanding officers of the party required.

X. And that there may be no difficulty or mistake, with regard to rank and character, the party requiring shall notify in time, what commander is to be employed for the command in chief, either of the fleet, or of the land-forces; to the end that the party required may settle and proportion the rank, and character of the person, who shall have the command of the auxiliary troops, or ships.

XI. The auxiliary forces shall have their own ministers or preachers, and the free exercise of religion; and shall not be tried upon whatever relates to the military service, but according to the laws, articles of war, and ordinances of their own country. But if any disputes should arise be

tween the officers or soldiers of the combined forces, they shall be examined and debated by commissaries, in equal number, of both parties; and the offenders shall be punished according to the articles of war of their sovereign. In like manner the general, as well as the rest of the auxiliary forces, shall be allowed to carry on a free correspondence, with their country, whether by letters or by expresses.

XII. The auxiliary forces, on the one side and on the other, shall be kept together as far as that can be done; and in order that the said respective auxiliary forces may not be exposed to greater fatigues than the others, and that there may be an exact equality in all expeditions and operations; the general in chief shall be obliged to observe a just proportion, in all the commands, according to the strength of the whole fleet or army.

XIII. The squadron of ships, which his Britannick Majesty is to furnish, by virtue of this alliance, shall be admitted in all the ports of her Imperial Majesty of all the Russias; where it shall be treated in the most friendly manner, and provided with every thing, it may stand in need of, upon paying the same price, as is paid by the men of war of her Imperial Majesty of all the Russias; and the said squadron shall be allowed to return, each year of the war, to the ports of Great-Britain; as soon as the season will not permit them any longer to keep at sea; provided it be expressly stipulated, that, whenever the case of this treaty shall exist, the squadron his Britannick Majesty is to furnish shall arrive every year, in the Baltick, about the beginning of the month of May; and shall not leave that sea, before the beginning of the month of October.

XIV. The party requiring, upon making the demand of the succour stipulated by this treaty, shall, at the same time, acquaint the party required, with the place where it is intended the said succour should forthwith repair; and the said party requiring, shall be at liberty to employ the aforesaid succour, during the whole time, it shall be continued to them, in such manner, and such places, as they shall judge most convenient for their service, against the aggressor.



XV. It is agreed, that the case of this treaty of alliance shall not be extended to the wars, which may happen to arise between her Imperial Majesty of all the Russias, and the Ottoman Porte, or the Persians, Tartars, or other Eastern nations; his Britannick Majesty being to be dispensed with, in any one of these cases, from furnishing the succours stipulated by this treaty: as in like manner, on the other side, her Imperial Majesty of all the Russias, shall not be obliged to furnish the succours stipulated by this treaty, for the defence of his Britannick Majesty's possessions in America, or in any part whatsoever out of Europe.

XVI. It is also agreed, that, on account of the great distance of places, the troops which her Imperial Majesty of all the Russias shall be to furnish, by virtue of this alliance, for the defence of his Britannick Majesty, shall not be sent either into Spain, Portugal, or Italy.

XVII. If the succours, stipulated in the fourth article of this treaty, are not sufficient; then the contracting parties shall agree, without delay, about the farther succours, which they shall give each other.

XVIII. If it should happen, that they should be obliged to have recourse to force of arms, neither peace nor truce shall be made, without including therein such of the contracting parties, as shall not have been attacked; that they may suffer no damage, in resentment for the succours they shall have given to their ally.

XIX. The present defensive alliance shall be no obstacle to, nor in any wise derogate from, the treaties and alliances, which the contracting parties may have with other Kings, Princes, or States, in so far as the said treaties shall not be contrary to the present treaty, or to the friendship and good understanding, which shall always be strictly observed between them.

XX. Their said Majesties have, moreover, agreed, that they shall concert together, about the admission of such other powers, as might be disposed to enter into this alliance.

XXI. The peace, friendship, and good understanding shall last for ever between the high contracting parties; but as it is usual to fix a certain time for treaties of formal alliance,

alliance, the said high contracting parties have agreed, that this one shall continue in force for the space of fifteen years, to be reckoned from the day of the signing of this treaty.

XXII. This present treaty of defensive alliance shall be approved and ratified by his Britannick Majesty, and by her Imperial Majesty of all the Russias; and the letters of ratification, in due form, shall be exchanged at St. Petersburg, within the space of two months, or sooner if possible. In testimony whereof the aforesaid Plenipotentiary Ministers, on both sides, have signed the present treaty of alliance, and have put the seals of their arms thereto.

Done at Moscow, the 11th of December, 1742.

(L. S.) *Cyrill Wick.*

#### Separate Article I.

IT is agreed, by this separate article, that the treaty of commerce and navigation, which was concluded on the fourth of December, 1734, between his Britannick Majesty, and her Imperial Majesty of all the Russias, shall be confirmed in all its points and articles, by the present alliance; and it is now agreed, that it shall remain in force, and shall be reciprocally observed, for the same time, as this alliance shall last, to be reckoned from the day of the signing of the treaty of this day. The present separate article shall have the same force and vigour, as if it was inserted in the treaty signed this day; and shall be approved and ratified in like manner; and the letters of ratification thereof shall be exchanged at the same time, and in the same place, as those of the treaty. In witness whereof, the Plenipotentiary Ministers, on both sides, have signed the present separate article, and have thereto put the seals of their arms.

Done at Moscow, the 11th of December, 1742.

(L. S.) *Cyrill Wick.*

## Separate Article II.

**H**IS Britannick Majesty, and her Imperial Majesty of all the Russias, having, this day, concluded a treaty between themselves, the sole end and intention whereof is, to provide for their mutual defence, and to maintain, as far as shall depend upon their care, the public tranquillity, and that of the north in particular; and their Majesties having considered the strict friendship and alliance, which already subsists between each of them, and his Majesty the King of Poland, Elector of Saxony, of which they desire to straiten the bonds, still more and more, and their Majesties being at the same time assured, that his said Polish Majesty finds himself in the same disposition towards them, and that he will be ready to concur, on his part, in the salutary ends above-mentioned; they have agreed to invite his said Majesty immediately to enter, as Elector of Saxony, into the said treaty, or into such articles thereof as he shall declare to them, to be suitable to him with regard to his situation, and to the interests and forces of his hereditary countries, and upon which their Majesties shall concert together, and shall agree with his said Majesty the King of Poland; and it is further agreed, that, upon his said Polish Majesty's acceding, as is said above, in his quality of Elector, either to this whole treaty, or to such engagements thereof, as shall have been agreed upon with him, he shall be reputed and considered as one of the principal and contracting parties to the said treaty. This separate article shall have the same force and vigour, as if it was inserted in the treaty signed this day; and shall be approved and ratified in like manner; and the letters of ratification thereof shall be exchanged, at the same time, and in the same place, with those of the treaty. In witness whereof, the Plenipotentiary Ministers, on both sides, have signed the present separate article, and have thereto put the seals of their arms.

Done at Moscow, the 11th day of December, 1742.

(L. S.) *Cyrill Wub.*

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## Separate Article III.

**W**HEREAS in the treaty of this day, the high contracting parties have agreed to concert together about the admission of such other powers, as may be disposed to enter into this alliance; and whereas his Majesty the King of Poland, as Elector of Saxony, has, from the beginning, been comprehended therein, by a separate article, drawn up in concert, and agreeably to the desires of that prince. It is farther agreed, that, tho' the said contracting parties have reserved to themselves the admission of other powers to this treaty, conformably to what is stipulated upon that subject; the reciprocal intention is to comprehend therein, principally and from henceforth, his Majesty the King of Prussia, and the States-General of the United Provinces of the Low Countries, and to invite them thereto, in the same manner as his Majesty the King of Poland has been therein comprehended, in the full persuasion that those said powers find themselves sincerely disposed to concur in the end of this treaty, and in the maintenance of the publick tranquillity, and of that of the north in particular. This separate article shall have the same force and vigour, as if it was inserted in the treaty signed this day; and shall be approved and ratified in like manner; and the letters of ratification thereof shall be exchanged at the same time, and in the same place, as those of the treaty. In witness whereof, the Plenipotentiary Ministers, on both sides, have signed the present separate article, and have thereto put the seals of their arms.

Done at Moscow, the 11th of December, 1742.

(L. S.) *Cyrill Wick.*

## Separate Article IV.

**W**HEREAS his Britannick Majesty is desirous of giving her Imperial Majesty of all the Russias a distinguished mark of his friendship and esteem; he has been pleased to yield to the instances, which have been made to him, on her part, and to acknowledge, by the present separate article, her quality of Empress, for her  
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and her successors in the Imperial throne of Russia, and to give them the title thereof; on this express condition, nevertheless, that her Imperial Majesty of all the Russias and her successors, shall never, on account of this quality, and of this title, claim any prerogative or pre-eminence, in any manner whatever, and that this acknowledgment shall not, at any time, cause any sort of change in the ceremonial, which has been observed hitherto, with regard to the rank of the Ministers of their said Imperial and Britannick Majesties, or in any other manner whatsoever, either in their own courts, or in those, where they may, respectively, have Ministers. The present separate article shall have the same force and vigour, as if it had been inserted in the treaty signed this day; and shall be approved and ratified in like manner; and the letters of ratification thereof shall be exchanged at the same time, and in the same place, as those of the treaty. In witness whereof the Plenipotentiary Ministers of the high contracting parties have signed the present separate article, and have thereto put the seals of their arms.

Done at Moscow, the 11th of December, 1742.

(L. S.) *Cyrill Wich.*

*Treaty between his Britannick Majesty, and the Landgrave of Hesse-Cassel. Signed at Hanover, June 18, 1755.*

**B**E it known to all whom it may concern; That his Majesty the King of Great-Britain, and his most serene Highness the Landgrave of Hesse-Cassel, having called to mind the strict ties, which unite the interests of their respective Houses; and having judged, that, in the present situation of affairs, it would contribute to the reciprocal benefit of Great-Britain, and the States of Hesse, to strengthen and confirm, by a new treaty of defensive alliance, the union, which subsists between them; his Britannick Majesty, and his most Serene Highness the said Landgrave, have thought proper to direct for this purpose, their respective ministers; that is to say, his said Majesty, Robert Earl of Holderness, one of his principal

secretaries

Secretaries of State, and the most Serene Landgrave, his Major-general, General of the artillery, and Governor of the residence of Cassell, Commander of the Teutonic order, the Sieur Diedric Diede de Furstenstein, and the Sieur Justus Henry Alt, his Privy Counsellor of legation, and Minister charged with his affairs, to enter into conference thereupon; who, after the exchange of their respective full powers, have agreed upon the points and articles following.

## Article I.

There shall be, between his Majesty the King of Great-Britain, and his most Serene Highness the Landgrave of Hesse-Cassel, their successors and heirs, a strict friendship, and a sincere, firm, and lasting union; inasmuch that the one shall consider the interests of the other, as his own; and shall apply himself sincerely to advance them to the utmost, and to prevent, and to avert, mutually, all trouble and damage.

II. To this end it is agreed, that all former treaties, principally of guaranty, be deemed to be renewed, and confirmed, by the present treaty, in all their points, articles and clauses, and shall be of the same force, as if they were inserted in this, word for word, so far as is not derogated from them by the present treaty.

III. His Majesty the King of Great-Britain having desired to secure, for his service, a body of the troops of the most Serene Landgrave, in case the good of his kingdoms and states should require this succour; his most Serene Highness has willingly complied with these views; promising and engaging, by virtue of this article, to hold in readiness for this service, during the space of four successive years, to be reckoned from the day of the signing of the present treaty, a body of eight thousand men; to wit, eight battalions of infantry, each of eight hundred men, including the officers; and three regiments of dragoons, or cavalry, making in all fourteen hundred horse; which corps shall be provided with the necessary, general, and subaltern officers: The Infantry shall be held in a condition to march, for the service of his Britannick Majesty, two months after the requisition shall have been made for that purpose, or sooner if possible, especially if it should be for the



the immediate defence of the kingdoms, or electoral dominions, of his Majesty, or of the Low-Countries; in which case the said Infantry shall march immediately after requisition made; which requisition, however, is not to be made separately for the infantry, but for the whole corps together; and as the most Serene Landgrave shall not be obliged to remount the cavalry or dragoons, before this requisition shall have been made to him, the term of six months has been agreed upon, at the end of which, the said cavalry or dragoons shall be in a condition to march likewise, and shall then forthwith join the Infantry, which compose this corps; which said corps shall not be separated, unless reasons of war require it, but shall always remain together, under the orders of the Hessian General; who shall command it; and the said troops shall take the oath of fidelity to his Britannick Majesty, immediately upon their being first mustered by an English commissary, without prejudice, nevertheless, to the oath, which they have taken to his most Serene Highness the Landgrave: His said Highness reserving, besides, the disposal of all employments, which shall come to be vacant therein; the administration of justice being also reserved to him.

IV. Each battalion of infantry of this corps, shall be provided with two pieces of field artillery, with the officers, gunners, and other persons, and the train, thereunto belonging.

V. Towards defraying the expences, to which the most Serene Landgrave will be engaged, to remount, and equip, the said corps of 8000 men, his Majesty the King of Great-Britain promises to pay, to his most Serene Highness, for every trooper or dragoon, duly armed and mounted, 80 crowns; and for every foot-soldier 30 crowns, Banco, in manner following; that is to say, the moiety of the levy money, for the infantry, and artillery, amounting to ninety-nine thousand crowns, Banco, shall be paid at the exchange of the ratifications; and the remainder for the infantry and artillery, when they shall march: And with regard to the cavalry, one moiety of the remount money shall be paid, when the requisition shall be made to put the said corps of 8000 men in a condition to march;

and the other moiety, when the said cavalry shall actually march.

VI. Besides what is stipulated in the preceding article, his Majesty the King of Great-Britain engages to pay to the most Serene Landgrave, during the time that this treaty shall last, an annual subsidy, in the manner, and proportion following; that is to say, this subsidy shall commence from the day of the signing of this treaty; and for the time, which shall elapse from that day, to the time of the requisition to put them in a condition to march, shall be paid at the rate of 150,000 crowns, Banco, per annum, the crown reckoned at 53 sols of Holland, or at four shillings and 9d.  $\frac{2}{3}$  English money; from the said time of making the requisition, to the day, when the whole body, as well cavalry as infantry, shall be in the pay of the Crown of Great-Britain, the subsidy shall be augmented and paid at the rate of 300,000 crowns aforesaid; and during the whole time that the said corps shall be actually in the pay of his Majesty, the most Serene Landgrave shall enjoy an annual subsidy of 150,000 crowns aforesaid. When the said troops shall be sent back by his Britannick Majesty; from the day of their return into the territories of his most serene Highness, until the expiration of the Treaty, the subsidy shall be again-raised and continued on the foot of 300,000 crowns aforesaid per annum; and the payment of this respective subsidy shall be made regularly, without diminution, and quarterly, in the city of Cassell, into the military chest of the most Serene Landgrave, authorised for the receipt thereof.

VII. With regard to the pay, and treatment, as well ordinary as extraordinary, of the said troops whilst they shall be actually in the pay of Great-Britain: It is agreed, that, as long as they serve in the Empire, they shall enjoy the same advantages and emoluments, in every thing, as his Majesty allows to his German troops, according to the effective state, in which the said body of troops shall be delivered; which shall be ascertained by a Tabelle signed by the respective ministers of the high-contracting parties, which shall have the same force, as if it was inserted, word for word, in the present treaty. Whilst they shall be employed in the Low-countries, they shall be treated in the

the said respect, on the foot of the Dutch troops: And if it should happen that they were to be employed in Great-Britain or Ireland, from the time of the notification which shall be thereof made, in that case, to the most serene Landgrave, they shall be put on the same foot, in all respects, with the national British troops; which several pay and treatments shall be paid into the military chest of his most serene Highness, without any deduction or diminution, in order to the making a distribution thereof.

VIII. If it should happen unfortunately, that any regiments or companies of the above-mentioned corps should be ruined and destroyed, in the whole or in part; or that the pieces of cannon, with which they shall be furnished, should be taken by the enemy; his Majesty, the King of Great-Britain, shall cause to be paid the expences of the necessary recruiting and remounting them, as also the value of the said field pieces; in order forthwith to reinstate the artillery, and the said regiments and companies: And the said recruiting and remounting shall be regulated, likewise, on the foot of what was furnished to the Hessian officers, by virtue of the treaty of 1702, article V, to the end that this corps may be always preserved and sent back, one day, in as good a state, as it was delivered in.

IX. His Britannick Majesty shall be at liberty, to keep this body of troops in his service, the whole time of the duration of this treaty, and to employ it wheresoever he shall have occasion for it, provided it be not on board the fleet, or beyond the sea, when once it has departed out of the territories of the most serene Landgrave; excepting always, for the defence of Great-Britain and Ireland; in which case, these troops shall enjoy, fully, and without any restriction whatsoever, the same pay and emoluments as the English troops enjoy, as has been said above. And when his Majesty the King of Great-Britain shall think fit to send back the said troops, he shall give notice thereof to his most serene Highness, three months beforehand, and shall cause to be paid to them one month's pay for their return, and furnish them gratis, the necessary transport vessels.

X. In case the most serene Landgrave should be attacked or disturbed in the possession of his states; his Britannick

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nick Majesty promises and engages to send back to him, speedily, the said body of troops, not only paying them a month's pay, but also furnishing them, gratis, the transport vessels requisite for their return; and to give, moreover, to his most serene Highness all the succour of troops, which the case shall require; which succour shall be continued to him, until he shall have obtained an entire security and just indemnification. And the most serene Landgrave promises, in like manner, on his part, that in case his Majesty the King of Great-Britain is attacked or disturbed in his dominions, estates, lands, provinces, or towns, he will also yield him all the succour, that it shall be in his power to give him; which succour shall, in like manner, be continued to him, until he shall have obtained a good and advantageous peace.

XI. In order to render this alliance and union the more perfect, and to leave no doubt, with the parties, about the certainty of the succour, which they may expect by virtue of this treaty; it is expressly agreed, that, to judge, for the future, whether the case of this alliance and succour exists, or not, it shall suffice, that either of the parties are actually attacked by force of arms, without his having first used open force against him who attacks him.

XII. His most serene Highness, to give the fuller proof that he is desirous to attach himself entirely to the interests of his Britannick Majesty, and to advance them with all his power, engages, moreover, to augment the said corps with 4000 men more, viz. 700 horse or dragoons, and 3300 foot; each regiment of infantry provided with two field pieces; and consequently to raise the said corps to the number of 12,000 men, as soon as his Majesty the King of Great-Britain shall judge it necessary or advantageous for his service; the whole, on the same conditions, in proportion, as have been stipulated in the preceding articles of this treaty, for the body of 8000 men; and these 4000 men shall be put in a condition, to be delivered, and to join the first body of 8000, within the space of six months, after the demand of them, which shall be made to him: his said Majesty promising, on his part, to make good, for these 4000 men, not only the remount and recruit money, after the rate of 80 crowns, Banco, for each trooper

trooper or dragoon, and of 30 crowns, Banco, for each foot soldier; but also to raise the subsidy for this body of 12,000 men, from the day, when his most serene Highness shall be required to keep them in readiness, to the sum of 430,000 crowns, Banco, per annum, so long as they shall be at the charge of the finances of his most serene Highness; and to the sum of 225,000 crowns, Banco, annually, so long as they shall be in the pay of his Britannick Majesty: the pay and treatment, as well ordinary as extraordinary, as also all the emoluments for this corps of 12,000 men, being to be regulated on the same foot as is fixed, by this treaty, for the corps of the first 8000 men.

XIII. This treaty shall subsist for the term of four years, to be reckoned from the day of the signature: and if his Britannick Majesty, and the most serene Landgrave, should think proper to continue, prolong, or change it, they shall treat thereupon three months before its expiration, according to the exigence of the case.

XIV. The ratifications of this treaty shall be exchanged at Hanover, within the space of six weeks after the signature, or sooner if it can be done. In witness whereof, we the underwritten, furnished with the full powers of his Britannick Majesty, and of the most serene Landgrave of Hesse-Cassel, have signed the present treaty, and have caused the seals of our arms to be put thereto. Done at Hanover, the 18th of June, 1755.

(L. S.) *Holdernesse.*

*Diede.*

(L. S.)

*J. H. Als.*

(L. S.)

*A compleat Copy of all our Treaties with the King of Prussia, the Secret and Separate Articles, the Declaration relative to the Proposal of Great-Britain's sending a Fleet into the Baltick in 1758, and other important Objects.*

# O R I G I N A L.

**D'**AUTANT que les differends, qui se sont elevés en Amerique entre le Roi de la Grande Bretagne et le Roi Très Chrétien, et dont les suites deviennent de plus en plus critiques, donnent lieu de craindre pour la tranquillité publique

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publique en Europe ; sa Majesté le Roi de la Grande Bretagne, electeur de Bronsvic Lunebourg, &c. et sa Majesté le Roi de Prusse, electeur de Brandebourg, &c. attentives à un objet si intercessant, et également animés du desir de conserver la paix generale de l'Europe, et celle de l'Allemagne en particulier, ont bien voulu se concerter sur les mesures, qui puissent contribuer le plus efficacement à une fin si desirable ; et pour cet effet elles ont autorisé leurs ministres plenipotentiaires respectifs ; savoir, au nom et de la part de sa Majesté Britannique, ses conseillers privés Philippe Comte de Hardwicke, son chancelier de la Grande Bretagne : Jean Comte de Granville, president de son conseil : Thomas Holles Duc de Newcastle, premier commissaire de sa tresorerie : Robert Comte de Holderneffe, l'un de ses principaux secretaires d'etat ; et Henry Fox, un autre de ses principaux secretaires d'etat ; et au nom et de la part de sa Majesté Prussienne, le Sieur Louis Michell, son chargé d'affaires à la cour de sa Majesté Britannique ; lesquels, après s'être communiqués reciproquement leurs pleinpouvoirs, sont convenus des articles suivans.

Article I. Il y aura entre les dits serenissimes Rois une paix sincere et une amitié reciproque, nonobstant les troubles pourront s'élever en Europe, en consequence des differends susmentionnés, en suite de laquelle aucune des parties contractantes n'attaquera, ni envahira directement ni indirectement le territoire de l'autre : mais au contraire elles feront chacune de son coté tous leurs efforts pour empêcher leurs alliés respectifs de rien entreprendre contre le dit territoire de quelque maniere que se puisse être.

II. En cas que, contre tout attente, et en violation de la tranquillité que les hautes parties contractantes entendent maintenir par ce traité dans l'Allemagne, quelque puissance étrangere fit entrer des troupes dans la dite Allemagne sous quelque pretexte que ce puisse être, les deux hautes contractantes uniront leurs forces et pour punir cette infraction de la paix, et pour maintenir la tranquillité en Allemagne selon, l'objet du present traité.

III. Les hautes parties contractantes renouvellent expressément tous les traités d'alliance et de garantie, qui subsistent actuellement entre elles, et nommément l'alliance offensive et de garantie reciproque conclüe à Westminster

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entre leurs Majestés Britannique et Prussienne le 18me de Novembre 1742, le convention arrêtée entre leurs dites Majestés à Hannovre, le 26me Août 1745, et l'acte d'acceptation de sa Majesté Prussienne de celui de garantie de sa Majesté Britannique du 13me d'Octobre 1746.

IV. Le present traité sera ratifié par sa Majesté le Roi de la Grande Bretagne, et par sa Majesté le Roi de Prusse, et les lettres de ratification en bonne forme seront delivrées, de part et d'autre dans le tems d'un mois ou plutôt si faire se peut, a compter du jour de la signature du present traité.

En foy de quoi nous soussignées, munis des pleinpouvoirs de leurs Majestés les Rois de la Grand Bretagne et de Prusse, avons, en leurs noms, signé le present traité, et y avons apposé les cachets de nos armes. Fait à Westminster, le seizième jour de Janvier, l'an de Grace 1756.

(L. S.) HARDWICKE, C.

(L. S.) GRANVILLE, P.

(L. S.) HOLLES NEWCASTLE.

(L. S.) HOLDERNESSE.

(L. S.) H. FOX.

#### TRANSLATION.

AS the differences, which have arisen in America, between the King of Great-Britain and the most Christian King, and the consequences of which become every day more alarming, give room to fear for the public tranquillity of Europe; his Majesty the King of Great-Britain, Elector of Brunswick Lunenburg, &c. and his Majesty the King of Prussia, Elector of Brandenburg, attentive to an object so very interesting, and equally desirous of preserving the peace of Europe in general, and that of Germany in particular, have resolved to enter into such measures, as may the most effectually contribute to so desirable an end; and for this purpose, they have respectively authorized their Ministers Plenipotentiary, viz. In the name and on the part of his Britannick Majesty, his Privy Counsellors, Philip Earl of Hardwicke, Chancellor of Great-Britain; John Earl of Granville, President of the Council; Thomas Holles Duke of Newcastle, first Commissioner of

the Treasury; Robert Earl of Holdernesse, one of the principal Secretaries of State; and Henry Fox, another of the principal Secretaries of State; and in the name, and on the part of his Prussian Majesty, the Sieur Lewis Mitchell, his *chargé d'affaires* at the court of his Britannick Majesty; who, after having mutually communicated their full powers, have agreed upon the following articles.

I. There shall be, between the said most serene Kings, a perfect peace and mutual amity, notwithstanding the troubles that may arise in Europe, in consequence of the above-mentioned differences; so that neither of the contracting parties shall attack, or invade, directly or indirectly, the territories of the other; but on the contrary, shall exert their utmost efforts, to prevent their respective allies from undertaking any thing against the said territories in any manner whatever.

II. If, contrary to all expectation, and in violation of the peace, which the high contracting parties propose to maintain by this treaty in Germany, any foreign power should cause troops to enter into the said Germany, under any pretext whatsoever; the two high contracting parties shall unite their forces to punish this infraction of the peace, and maintain the tranquility of Germany, according to the purport of the present treaty.

III. The high contracting parties renew expressly all the treaties of alliance and guaranty, which actually subsist between them; and particularly the defensive alliance and mutual guaranty concluded at Westminster between their Britannick and Prussian Majesties; the 18th of November, 1742; the convention entered into between their said Majesties at Hanover the 26th of August, 1745; and the act of acceptation of his Prussian Majesty of the guaranty of his Britannick Majesty; of the 13th of October, 1746.

IV. The present treaty shall be ratified by his Majesty the King of Great-Britain, and his Majesty the King of Prussia; and the letters of ratification in due form shall be delivered on both sides, within the space of one month, or sooner, if possible, reckoning from the day of signing the present treaty.

In witness whereof, we the under-signed, furnished with the full powers of their Majesties the Kings of Great-

Britain and Prussia, have, in their names, signed the present treaty, and thereto set our seals. Done at Westminster, the sixteenth day of January, in the year of our Lord 1756.

(L. S.) HARDWICKE, C.  
 (L. S.) GRANVILLE, P.  
 (L. S.) HOLLES NEWCASTLE.  
 (L. S.) HOLDERNESSE.  
 (L. S.) H. FOX.

Secret and separate Article.

*Article secret & séparé.*

COMME la convention de neutralité, signée en date d'aujourd'hui par les Ministres de sa Majesté le Roi de la Grande Bretagne, et de sa Majesté le Roi de Prusse, munis de pleinpouvoirs nécessaires pour cet effet, ne regarde que l'Allemagne, cette convention ne doit point être étendue aux paix-bas Autrichiens et leurs dependances, qui ne doivent point être censés compris dans la presente convention de neutralité sous quelque pretexte que cela puisse être; d'autant plus que sa Majesté le Roi de Prusse n'a garanti dans le huitieme article de la paix de Dresde, a sa Majesté l'Imperatrice Reine de Hongrie et de Bohême, que les états qu'elle possède en Allemagne.

Cette article secret et séparé aura la même force, que s'il étoit inséré, de mot a mot, dans la presente convention de neutralité signée aujourd'hui; et les ratifications en seront échangées dans le même tems que celles de la dite convention. En foy de quoi nous soussignées, munis de pleinpouvoirs de leurs Majestés les Rois de la Grande Bretagne et de Prusse, avons, en leurs noms, signé le present article secret et séparé, et y avons apposé les cachets de nos armes.

Fait à Westminster le seizieme jour de Janvier, l'an de Grace, 1756.

(L. S.) HARDWICKE, C.  
 (L. S.) GRANVILLE, P.  
 (L. S.) HOLLES NEWCASTLE.  
 (L. S.) HOLDERNESSE.  
 (L. S.) H. FOX.

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## DECLARATION.

**A**FIN de terminer les differends qui peuvent s'être élevés entre leurs Majestés Prussienne et Britannique, il est déclaré, que dèsque sa Majesté Prussienne levera l'arrêt mis sur la dette de la Silésie, et fera payer aux sujets de sa Majesté Britannique ce qui leur en reste dû selon le contract original, tant interests que principal ; sa Majesté Britannique promet et s'engage de son côté de faire payer a sa Majesté Prussienne la somme de vingt mille livres sterlin, en extinction de toute pretension de sa dit Majesté ou de ses sujets à la charge de sa Majesté Britannique sous quelque pretexte que ce puisse être. Fait à Westminster le seizième jour de Janvier, l'an de Grace, 1756.

(L. S.) LOUIS MICHELL.

## TRANSLATION.

**A**S the convention of neutrality of the date of this day, signed by the Ministers of his Majesty the King of Great-Britain, and of his Majesty the King of Prussia, furnished with the full powers necessary for that purpose, relates only to Germany ; this convention must not be understood to extend to the Austrian Low-Countries and their dependencies, which ought not to be considered as comprised in the present convention of neutrality, under any pretext whatsoever : the rather, as his Majesty the King of Prussia hath not, in the eighth article of the peace of Dresden, guarantied to her Majesty the Empress Queen of Hungary and Bohemia, any thing but the dominions which she possesses in Germany.

This secret and separate article shall have the same force as if it had been inserted, word for word, in the present convention of neutrality signed this day ; and the ratifications of it shall be exchanged at the same time with those of the said convention.

In witness whereof, we the under-signed, furnished with the full powers of their Majesties the Kings of Great-Britain and Prussia, have, in their names, signed the present secret and separate article, and thereto set our seals.

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Done

Done at Westminster, the sixteenth day of January, in the year of our Lord 1756.

(L. S.) HARDWICKE, C.  
 (L. S.) GRANVILLE, P.  
 (L. S.) HOLLES NEWCASTLE,  
 (L. S.) HOLDERNESSE.  
 (L. S.) H. FOX.

# DECLARATION.

**I**N order to prevent any disputes that might arise between their Prussian and Britannick Majesties, it is hereby declared, that as soon as his Prussian Majesty shall have taken off the attachment laid upon the Silesia debt, and caused to be paid to his Britannick Majesty's subjects what remains due to them of that debt, as well interest as principal, according to the original contract; his Britannick Majesty promises and engages, on his part, to cause to be paid to his Prussian Majesty the sum of twenty thousand pounds sterling, in full satisfaction of every claim, which his said Majesty, or his subjects, may have against his Britannick Majesty, under any pretext whatsoever.

Done at Westminster, the sixteenth day of January, in the year of our Lord 1756.

(L. S.) LOUIS MICHELL,

*Treaty between his Majesty and the King of Prussia,  
 April 11th, 1758,*

**D'**AUTANT que le seizième jour de Janvier, 1756, ils fut conclu, et signé entre leurs Majestés Britannique et Prussienne un traité, dont les stipulations tendoient à conserver la paix general de l'Europe, et celle de l'Allemagne en particulier; et comme depuis ce periode, la France a non seulement envahi l'empire avec des armées nombreuses, et attaqué leurs susdites Majestés et leurs alliés, mais a aussi suscité d'autres puissances à en agir de même; et qu'il est notoire, que les efforts extraordinaires fait par sa Majesté Prussienne pour se defendre contre le nombre d'ennemis

d'ennemis qui l'ont assailli de tant de côtes à la fois, ont occasionné de fraix extrêmement onéreux, pendant que, de l'autre côté, ses revenus ont été fort diminués dans les parties de ses états qui ont été le siège de la guerre ; et leurs Majestés ayant résolu mutuellement à continuer leurs efforts pour leur défense et sûreté reciproques, pour le recouvrement de leurs possessions, pour la protection de leurs alliés, et pour le maintien de libertés du corps Germanique : Sa Majesté Britannique s'est déterminée en conséquence de ces considérations à donner un secours immédiat, en argent, à sa Majesté Prussienne, comme le plus prompt et le plus efficace, et leurs susdites Majestés ont jugé, convenable qu'il fût fait la dessus une convention qui déclarât et fixât leurs intentions reciproques à cet égard : pour cet effet elles ont nommé et autorisé leurs ministres respectifs, savoir, au nom et de la part de sa Majesté Britannique, ses conseillers privés, le Chevalier Robert Henley, son garde du grand sceau de la Grande Bretagne, Jean Comte de Granville, Président de son Conseil ; Thomas Holles Duc de Newcastle, premier Commissaire de sa Trésorerie ; Robert Comte de Holderneffe, l'un de ses principaux Secrétaires d'Etat ; Philippe Comte de Hardwicke ; et Guillaume Pitt, un autre de ses principaux Secrétaires d'Etat : et au nom et de la part de sa Majesté Prussienne, les Sieurs Dodo Henry Baron Knyphausen, son Conseiller privé d'ambassade, et son Ministre plenipotentiaire à la cour de sa Majesté Britannique ; et Louis Michell, son chargé d'affaires à la dite cour ; lesquels, après s'être communiqués leurs pleinpouvoirs respectifs, sont convenus des articles suivans,

I. Sa Majesté le Roi de la Grande Bretagne s'engage de faire payer dans la ville de Londres, entre les mains de la personne ou des personnes qui seront autorisées à cet effet par sa Majesté le Roi de Prusse, la somme de quatre millions d'écus d'Allemagne, montant à six cent soixante et dix mille livres sterling, laquelle somme sera payée en entier, et en un seul terme, immédiatement après l'échange des ratifications, à la requisition de sa Majesté Prussienne.

II. Sa Majesté le Roi de Prusse s'engage, de son côté d'employer la dite somme pour la maintien et l'augmentation de ses forces, lesquelles agiront de la manière la plus utile



utile à la cause commune, et au but proposé par leurs dites Majestés de défense reciproque, et de sûreté mutuelle.

III. S'engagant, en outre, les hauts contractans, savoir, d'un côté sa Majesté Britannique tant comme Roi que comme Electeur, et de l'autre sa Majesté Prussienne, de ne conclurre aucun traité de paix, de trêve ou de neutralité, ni autre convention ou accord que ce soit, avec les puissances qui ont pris parti à la présente guerre, que de concert et par un accord mutuel, et en s'y comprenant nommément,

IV. Cette convention sera ratifiée, et les ratifications échanges de part et d'autre, dans le terme de six semaines à compter de la date de la signature de la présente convention ou plutôt si faire se pourra.

En foy de quoi nous soussignés Ministres de sa Majesté le Roi de la Grande Bretagne, et de sa Majesté le Roi de Prusse, en vertu de nos pleinpouvoirs, avons signé la présente convention, et y avons apposé les cachets de nos armes. Fait à Londres l'onzième jour d'Avril, l'an de Grace, 1758.

(L. S.) ROBERT HENLEY, C. S.

(L. S.) GRANVILLE, P.

(L. S.) HOLLES NEWCASTLE,

(L. S.) HOLDERNESSE.

(L. S.) HARDWICKE.

(L. S.) WILLIAM PITT.

#### TRANSLATION.

**A**S on the sixteenth day of January, 1756, there was concluded and signed, between their Britannick and Prussian Majesties, a treaty, the purport of which was to preserve the peace of Europe in general, and that of Germany in particular; and whereas, since that period, France hath not only invaded the empire with numerous armies, and attacked their foresaid Majesties and their allies, but hath also excited other powers to do the same; and whereas it is notorious, that the extraordinary efforts made by his Prussian Majesty to defend himself against the numerous enemies, who have assailed him on so many sides at once, have occasioned very heavy expences, whilst, on the other hand,

hand, his revenues have been considerably diminished in those parts of his dominions, which have been the seat of war; and their Majesties having jointly resolved to continue their efforts for their mutual defence and security, for recovering their dominions, protecting their allies, and maintaining the liberties of the Germanic body; his Britannick Majesty is determined, in consequence of these considerations, to give an immediate supply, in money, to his Prussian Majesty, as being the most speedy and effectual; and their foresaid Majesties have thought proper, that, upon this head, there should be concluded a convention, declaring and fixing their mutual intentions in this particular: For this purpose, they have named and authorized their respective Ministers, viz. in the name, and on the part of his Britannick Majesty, his Privy Counsellors, Sir Robert Henley, Keeper of the great Seal of Great-Britain; John Earl of Granville, President of the Council; Thomas Holles, Duke of Newcastle, first Commissioner of the Treasury; Robert Earl of Holderness, one of the principal Secretaries of State; Philip, Earl of Hardwicke; and William Pitt, another of the principal Secretaries of State: and in the name, and on the part of his Prussian Majesty, Dodo Henry, Baron Knaphausen, his Privy Counsellor of Embassy, and his Minister Plenipotentiary at the court of his Britannick Majesty, and Louis Michell, his *chargé d'affaires* at the said court; who, after having communicated to each other their respective full powers, have agreed upon the following articles.

I. His Majesty the King of Great-Britain engages to cause to be paid, in the city of London, into the hands of such person or persons, as shall be authorized for that purpose by his Majesty the King of Prussia, the sum of four millions of German crowns, amounting to six hundred and seventy thousand pounds sterling; which sum shall be paid in whole, and at one single term, immediately after the exchange of the ratifications, at the requisition of his Prussian Majesty.

II. His Majesty the King of Prussia engages, on the other hand, to employ the said sum in maintaining and augmenting his forces, which shall act in the manner most advantageous

advantageous to the common cause, and the most conducive to the end, proposed by their said Majesties, of reciprocal defence, and mutual security.

III. The high contracting parties, moreover, engage, viz. on the one side, his Britannick Majesty, as well King as Elector, and, on the other, his Prussian Majesty, not to conclude any treaty of peace, truce, or neutrality, or other convention or agreement whatever, with the powers who have taken part in the present war, but in concert and by mutual agreement, and by comprehending each other by name.

IV. This convention shall be ratified, and the ratifications exchanged on both sides, in the space of six weeks, reckoning from the date of signing the present convention, or sooner if possible.

In witness whereof, we the under-signed Ministers of his Majesty the King of Great-Britain, and of his Majesty the King of Prussia, in virtue of our full powers, have signed the present convention, and thereto set our seals.

Done at London the 11th day of April, in the year of our Lord 1758.

(L. S.) ROBERT HENLEY, C. S.

(L. S.) GRANVILLE, P.

(L. S.) HOLLES NEWCASTLE,

(L. S.) HOLDERNESSE.

(L. S.) HARDWICKE.

(L. S.) WILLIAM PITT.

*Declaration belonging to the Treaty with the King of Prussia, of April 11, 1758.*

#### DECLARATION.

**E**NSUITE de la convention signé aujourd'hui, sa Majesté Britannique est prête à déclarer, qu'il s'adressera d'abord à son fidele parlement, afin d'être mis en état de payer et d'entretenir, en Allemagne, une armée de cinquante mille hommes au dépens de la couronne de la Grande Bretagne, et sa Majesté veut bien déclarer en outre, qu'en sa qualité d'Electeur, il augmentera aussi la dite armée d'un corps de cinq mille hommes, dont le total

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agira avec la dernière vigueur contre l'ennemi commun, de concert avec le Roi de Prusse, en tels lieux qu'exigera la raison de guerre et le bien de la cause commune.

Et pour ne rien laisser à désirer de la part de sa Majesté, de tout ce qui pourra s'affectuer pour le bien de la cause commune, d'une façon compatible avec la sûreté des ses royaumes, et avec la continuation vigoureuse d'opérations indispensables en Amérique, c'est l'intention du Roi, qu'une partie considérable de ses troupes de terre et de l'escadre qui est destinée au service de la manche, soit employée de la manière qui puisse le plus efficacement incommoder l'ennemi, et faire une diversion utile ; à quel effet sa Majesté a ordonné la formation d'un camp dans l'isle de Wight. Et comme le Sieur Michell, Ministre Prussienne résident après de sa Majesté, a représenté combien il seroit utile aux affaires de sa Majesté Prussienne qu'un detachment de troupes Angloises fut envoyé assurer la ville d'Embsen jusqu'à ce que le Roi de Prusse puisse prendre des mesures convenables pour la protection de cette place ; le Roi ne balance pas de donner à sa Majesté Prussienne cette nouvelle preuve d'amitié sincere, et à cet effet a ordonné à un de ses bataillons de se rendre, sans pert de tems, à Embsen ; et fera communiquer au Ministre de sa Majesté Prussienne une copie des instructions dressées pour le commandant de ce bataillon.

Désque la convention signée aujourd'hui aura été communiquée au parlement, (fondement indispensable du secours pecuniare y stipulé :) Et qu'en conséquence de cette communication, la somme aura été votée ; il dependra alors de sa Majesté Prussienne d'en faire usage en tel tems qu'elle jugera à propos,

C'est avec le regret le plus sensible, que le Roy se trouve, encore, dans la nécessité absolue de se refuser à tout engagement sur l'envoy d'une escadre de ses vaisseaux dans la mer Baltique, Afin, cependant, que le Roi de Prusse puisse s'assurer ultérieurement, que la seule et unique source des difficultes qu'on fait sur cet article est l'inutilité et le danger d'y envoyer une petite escadre, et l'impossibilité de pouvoir en passer d'une qui pourroit suffisamment s'y faire respecter, et nullement par egard pour aucune des puissances qui ont pris part à la guerre : et à fin que toute l'Europe puisse

puisse voir d'autant plus clairement, dès le moment que la convention d'aujourd'hui sera ratifiée, que leurs Majestés Britannique et Prussienne ont les mêmes amis, et les mêmes ennemis : le Roi est prêt à faire telle déclaration, qui, au sentiment de sa Majesté Prussienne, puisse fortifier la cause commune, et servir à leurs intérêts mutuels ; en cas que le Roi de Prusse recommande dans la présente situation des cours de Petersbourg et de Stockholm un langage différent de celui que sa Majesté Prussienne a jusqu'ici conseillé et concerté avec le Roi.

Fait à Londres le 11<sup>me</sup> jour d'Avril, 1758.

(L. S.) ROBERT HENLEY, C. S.

(L. S.) GRANVILLE, P.

(L. S.) HOLLES NEWCASTLE.

(L. S.) HOLDERNESSE.

(L. S.) HARDWICKE.

(L. S.) WILLIAM PITT.

#### T R A N S L A T I O N.

**I**N consequence of the convention signed this day, his Britannick Majesty very freely declares, that he will immediately apply to his faithful parliament, in order to be put in a condition to pay and to maintain, in Germany, an army of fifty thousand men at the expence of the crown of Great-Britain ; and his Majesty, moreover, very willingly declares, that, in quality of Elector, he will likewise augment the said army with a body of five thousand men ; the whole of which shall act with the utmost vigour against the common enemy, in concert with the King of Prussia, in such places, as the reason of war, and the good of the common cause, shall require.

And that nothing, which can reasonably be desired of his Majesty, may be left unattempted for the good of the common cause, in a manner consistent with the safety of his kingdoms, and the vigorous prosecution of the necessary operations in America, it is the intention of his Majesty, that a considerable part of his land forces, and a squadron of ships, destined for the service of the channel, should be employed in such a manner, as may the most effectually

fectually annoy the enemy ; for which purpose his Majesty has ordered a camp to be formed in the isle of Wight. And as Mr. Michell, the Prussian Minister, resident at his Majesty's court, has represented, how advantageous it would be to the affairs of his Prussian Majesty, that a detachment of the English troops should be sent to secure the town of Embden, till such time as the King of Prussia shall be able to take proper measures for the protection of that place ; the King hesitates not to give his Prussian Majesty this fresh proof of his sincere friendship, and for that purpose hath ordered one of his battalions to march, without loss of time, to Embden ; and he will cause to be communicated to the Minister of his Prussian Majesty a copy of the instructions drawn up for the commander of that battalion.

As soon as the convention signed to-day shall have been communicated to the parliament, (a step necessary for making good the pecuniary supply therein stipulated) and as soon as, in consequence of that communication, the sum shall have been voted ; it will then depend upon his Prussian Majesty to make use of it at such times as he shall judge proper.

'Tis with the sincerest regret, that the King again finds himself under an absolute necessity of refusing to enter into any engagement with regard to sending a Squadron of ships into the Baltic. In order, however, still further to convince his Prussian Majesty, that the sole and only source of the difficulties which occur on this point, is the inutility and danger of sending thither a small fleet, and the impossibility of being able to spare one that could make itself sufficiently respected in those parts, and by no means a regard to any of the powers, who have taken part in the war ; and in order to demonstrate the more clearly to all Europe, that, from the moment of the ratification of the present treaty, their Britannick and Prussian Majesties have the same friends and the same enemies ; the King is ready to make such a declaration, as, in the opinion of his Prussian Majesty, may strengthen the common cause, and promote their mutual interests ; in case the King of Prussia, in the present disposition of the courts of Petersburg and Stockholm, recommends a language different from that, which



which his Prussian Majesty hath hitherto advised and concerted with the King.

Done at London the 11th day of April, 1758.

(L. S.) ROBERT HENLEY, C. S.

(L. S.) GRANVILLE, P.

(L. S.) HOLLES NEWCASTLE.

(L. S.) HOLDERNESSE.

(L. S.) HARDWICKE.

(L. S.) WILLIAM PITT.

*Convention between his Majesty and the King of Prussia,  
7 Decr. 1758.*

SOIT notoire à tous ceux à qu'il appartient ou peut appartenir, que la guerre onereuse, dans laquelle sa Majesté Prussienne se trouve engagée, le mettant dans la nécessité de faire de nouveaux efforts pour se defendre contre le grande nombre d'ennemis dont ses etats sont assaillis ; et étant ainsi obligé de se concerter, de nouveau, avec sa Majesté Britannique, a fin de pour voir reciproquement et conjointement avec elle à leur defense et sureté commune ; et sa Majesté le Roy de la Grande Bretagne ayant fait connoitre, en même tems, le desir qu'il avoit de resserrer les liens d'amitié qui subsistent entre les deux cours, et de convenir, de nouveaux, à cette occasion, et pour cette fin, par une convention expresse, des secours par lesquelles il pourroit assister sa Majesté Prussienne le plus promptement, et le plus efficacement ; leurs dites Majestés ont, donc, pour cet effet, nommés et autorisés leurs Ministres respectifs, savoir, &c.—[Les noms des Ministres sont les mêmes que dans le traité précédent.]

I. Il est convenu, que tous les traités précédents qui subsistent entre les deux cours de quelque date et nature qu'ils puissent être, et principalement celui de Westminster du 16me de Janvier de l'année 1756, ainsi que la convention du 11me d'Avril de l'année courant, seront censés rapellés et confirmés par la presente convention, en tous leurs points, articles, et clauses, et seront de la même force que s'il estoient inserés ici mot à mot.

II. Cet

II. Cet article est le même que le premier article du traité précédent.

III. Cet article est le même que le second article du traité précédent.

IV. Cet article est le même que le troisième article du traité précédent.

V. Cet article est le même que le quatrième article du traité précédent.

En foy de quoi, &c.—Fait à Londres le septième jour de Decembre, l'an de Grace 1758.

(L. S.) ROBERT HENLEY, C. S.

(L. S.) GRANVILLE, P.

(L. S.) HOLLES NEWCASTLE.

(L. S.) HOLDERNESSE.

(L. S.) HARDWICKE.

(L. S.) WILLIAM PITT.

# TRANSLATION.

**B**E it known to all those whom it either does or may concern, that the burdensome war, in which his Prussian Majesty finds himself engaged, laying him under a necessity of making new efforts to defend himself against the numerous enemies, who have invaded his dominions; and being thus obliged to enter into new measures with his Britannick Majesty, in order to provide, reciprocally and jointly, for their mutual defence and common safety; and his Majesty the King of Great-Britain, having at the same time signified a desire of strengthening the bands of friendship, which subsist between the two courts, and to this end, by an express convention, upon the succours, by which he may assist his Prussian Majesty the most speedily and the most effectually: their said Majesties have, for that purpose, named and authorized their respective ministers, viz.—[The names of the ministers are the same with those in the treaty immediately preceding.]

I. It is agreed, that all former treaties, subsisting between the two courts, of what date or nature soever, and especially that of Westminster of the 16th of January 1756, as well as the convention of the 11th of April of the current

rent year, shall be considered as renewed and confirmed by the present convention, in all their points, articles, and clauses, and shall have the same force, as if they were inserted here word for word.

II. This article is the same with the 1st article of the preceding treaty.

III. This article is the same with the 2d article of the preceding treaty.

IV. This article is the same with the 3d article of the preceding treaty.

V. This article is the same with the 4th article of the preceding treaty.

In witness whereof, &c.

Done at London, the 7th of December, 1758.

(L. S.) ROBERT HENLEY, C. S.

(L. S.) GRANVILLE, P.

(L. S.) HOLLES NEWCASTLE.

(L. S.) HOLDERNESSE.

(L. S.) HARDWICKE.

(L. S.) WILLIAM PITT.

*Convention between his Majesty and the King of Prussia,  
9th November, 1759.*

**T**HIS treaty is the same with the preceding, except the alteration of the date; and is signed by the same Ministers.

*Convention between his Majesty King George III. and the  
King of Prussia, 12th December, 1760.*

**T**HIS treaty is also the same with the preceding, except the alteration of the date; and is likewise signed by the same Ministers.

[To avoid repetition, we have given only one copy and one translation, where the treaties were the same.]



*AN HISTORICAL MEMORIAL of the Negotiation of France and England, from the 26th of March, 1761, to the 20th of September of the same Year, with the Vouchers. Translated from the French Original, published at Paris by Authority.*

**H**IS Majesty [the French King] thinks it consistent with his goodness and justice to inform his subjects of the endeavours he has used, and the sacrifices he resolved to make, in order to restore peace to his kingdom.

France, and the whole universe, will judge from a plain and faithful detail of the negotiation, which has been carried on between the Courts of Versailles and London, which of the two Courts have been averse to the re-establishment of public tranquillity, and have sacrificed the common peace and welfare to their own ambition.

In order to form a clear and just opinion with regard to the Negotiation which has lately broken off between France and England, it is necessary to recollect the motives which occasioned the rupture between the two Crowns, and the particular circumstances, which have involved a considerable part of Europe in a war, which had at first America only for its object.

The limits of Acadia and Canada, which, by the treaty of Aix-la-Chapelle, were left to the discussion of commissaries to be named by the two Potentates, have served England as a pretence for commencing hostilities, and for taking two French ships, the Alcide and the Lys; while, in the midst of peace, and under the sanction of the law of nations, the Duke of Mirepoix, the French Ambassador, was treating at London in order to prevent a rupture, and to terminate those differences, which might have been easily accommodated at Aix-la-Chapelle, and which, while the peace subsisted, had met with the most unreasonable and extravagant opposition on the part of the English Commissaries.

The unexpected violence offered on the part of the English necessarily brought on the war: his Majesty found himself obliged, though with regret, to repel by force the indignity offered to France, and to prefer the honour of the nation to the tranquillity it enjoyed.

If the court of London had no other design than to establish the respective possessions of the two Crowns in North America upon a firm footing, she would have endeavoured to obviate, as France has done, every incident which might engage the powers of the Continent of Europe to take part in a war which is absolutely foreign to them, and which in fact, having no other object but what relates to the limits of Acadia and Canada, could not last long, and did not require the interposition of any other power. But England had more extensive views: she endeavoured to raise a general war against France, and hoped to renew the famous league which was formed against Lewis XIV. upon the accession of Philip V. to the throne of Spain; and to persuade all the Courts of Europe, that they were as much interested in the limits of Acadia, as in the succession of Charles II.

The conduct of France, in consequence of the first hostilities in 1755, was very different from that of England. His Majesty pacified his neighbours, restrained his allies, refused the advantageous prospect of a war, which was proposed to him on the Continent, and gave all the powers to understand, that his sole ambition was to restrain his enemies, the English, within due limits, and to maintain peace and justice among the powers, who ought to regard the differences respecting America with the most impartial neutrality.

The Court of London, to accomplish their ends, took advantage of his Majesty's equitable and pacific conduct. She knew that one of the allies of France might prove a lively obstacle to the establishment of peace and tranquillity, and made no doubt, but, in securing that ally, she should be able to make that House, which was considered as the ancient rival of France, enter into all her views; but the Empress Queen of Hungary and Bohemia, animated by the same principles of equity of which his Majesty gave such laudable proofs, refused the proposals of England, and rather chose to run the risk of an unequal war, which was the natural and foreseen consequence of the treaty signed at Whitehall between the Kings of England and Prussia, than to engage in one contrary to the good faith of her Imperial Majesty.

His Majesty and the Empress-Queen, previous to the King of Prussia's invasion of Saxony, entered into an alliance on the 1st of May 1756, which was purely defensive. Their Majesties hoped, that their alliance would check the fire which was ready to kindle in Germany, and that it would prevent a war on the Continent of Europe. They were deceived in their expectations: the Court of London had armed the King of Prussia: nothing could restrain a Prince whose passion for war was unhappily violent: and he began it at the end of the year 1756, by the invasion of Saxony and the attack of Bohemia.

From that time two distinct wars subsisted; one of France with England, and which at the beginning had nothing in common with the war in Germany; and the other which the King of Prussia waged against the Empress-Queen, and in which the King of England was interested as an ally of the King of Prussia, and his Majesty, as guarantee of the treaty of Westphalia, and, after his defensive treaty of the 1st of May, as an ally of the Court of Vienna.

France was cautious, in the engagements she was constrained to make with the confederate powers; not to blend the differences which disturbed the peace of America, with those which raised a commotion in Europe. In truth, his Majesty having always made it his principal object to recal each potentate to terms of reconciliation, and to restore public tranquillity, he judged it improper to blend interests of so distant and complicated a nature as those of Europe and America would prove, were they to have been jointly treated of in a negociation for a general and final peace. His Majesty proceeded farther, and with intent to prevent a direct land war in Europe, he proposed the neutrality of Hanover in the year 1757; the King of England, Elector of Hanover, refused the proposition, and sent his son the duke of Cumberland, into his hereditary dominions in Germany, who, at the head of an army entirely composed of Germans, was ordered to oppose the march of those forces, which his Majesty, in pursuance of his engagements, sent to the assistance of his allies who were attacked in their dominions.



The electoral army of Hanover finished the campaign of 1757, with the capitulation of Closter-seven. The Court of London thought proper to break that capitulation, a few months after it had been concluded by the consent of the King of England's son; the chief pretence alledged was, that the army which had capitulated belonged to the Elector, and that the same army which, contrary to the right of nations and all military laws, re-entered into action, was from that time to be considered as a British army. From that moment, (and it is necessary to attend to this circumstance) the army commanded by Prince Ferdinand of Brunswick, is become an English army. The Elector of Hanover, the Duke of Brunswick, the Landgrave of Hesse, their forces and their countries have been blended together in the cause of England; that the hostilities in Westphalia and Lower Saxony have had and still have the same object as the hostilities in America, Asia, and Africa; that is to say, the dispute subsisting between the two crowns concerning the limits of Acadia and Canada.

His Majesty consequently from that time being obliged to support a war both by sea and land against England his professed enemy, has afforded no farther succour of troops to his Allies to enable them to carry on their war in particular, but has only undertaken to preserve the places on the Lower Rhine for the Empress Queen, which were acquired by conquest from the King of Prussia, in the name of her Imperial Majesty. It would therefore be an ignorance of the most positive facts, to suppose that the war which is actually carried on in Westphalia, is for the interest of his Majesty's Allies; that war is purely English which is carried on only because the army of England, in that part, defends the possessions of the King of Great Britain and his Allies.

We must conclude from what has been said with regard to the state of the two belligerent Crowns, that the war between France with England is in fact, and in its origin, very distinct from that of the Empress against the King of Prussia: nevertheless there is a connection between the two wars, which consists in the common engagement between the King and the Empress Queen, not to make

separate

separate peace with the common enemy but by mutual consent. This engagement, which is so conformable to the sentiments of friendship and confidence by which their Majesties are united, was necessary for their reciprocal security. As it would be dangerous for the forces of the King of Prussia to join against France, with those of England, commanded by Prince Ferdinand, it would be equally prejudicial and contrary to the faith of his Majesty's engagements with the Court of Vienna, that the British army should join the King of Prussia against the Empress Queen, and against the Princes of the Empire who are in alliance with France.

Although the year 1758, produced no political event, which might give room to a negotiation for the re-establishment of peace, yet France, ever zealous to promote it with the same sincerity, made use of the mediation of Denmark to inform England of her perseverance in the same pacific dispositions; the answer from the Court of London was as haughty as it was negative, and destroyed all hopes of a negotiation.

In 1759, the Courts of London and Berlin transmitted the following declaration from the Hague, to the Ministers of France, Vienna and Russia.

*Declaration of their Prussian and Britannic Majesties.*

THEIR Britannic and Prussian Majesties, touched with compassion, when they reflect on the evils which have been occasioned, and must still necessary result from the war which has been kindled for some years past, would think themselves wanting to the duties of humanity, and particularly regardless of the interest they take in the preservation and welfare of their respective kingdoms and subjects, if they neglected to use proper measures towards checking the progress of this cruel pestilence, and to contribute towards the re-establishment of public tranquillity. It is with this view, and in order to ascertain the sincerity of their intentions in this respect, that their aforesaid Majesties have resolved to make the following declaration:

That they are ready to send Plenipotentiaries to any place which shall be judged most convenient, in order to treat,

treat, in conjunction, concerning a general and firm peace, with those whom the belligerent powers shall think proper to authorize on their side, towards the accomplishment of so salutary an end.

I certify, that the above declaration is the same which was dispatched to me by the Earl of Hôldernesse and the Baron Kniphauzen, in the name, and on the part of their Britannic and Prussian Majesties.

Given at the Castle of Ryswick, this 25th of November 1759. Signed L. D. de Brunswick.

This declaration made no mention either of Sweden, or of the King of Poland, Elector of Saxony, two powers who were principally interested in the war. France and her Allies were not aware of this proceeding of the courts of London and Berlin. They were obliged to wait for an answer from Peterbourg, in order to transmit in common a counter declaration, which the great distance between the countries obliged them to defer longer than France could have wished. At length it was transmitted in the following terms, and the Courts of London and Berlin never made any reply to it.

*Counter Declaration of his Most Christian Majesty.*

**T**HEIR Britannic and Prussian Majesties having thought proper to testify, by a declaration which was delivered on their parts at the Hague, the 25th of November last, to the Ambassadors and Ministers of the Courts of Versailles, Vienna, and Petersbourg, resident with their High Mightinesses the States General of the United Provinces, that, from a sincere desire of contributing to the re-establishment of public tranquillity, they were ready to send Plenipotentiaries to any place which should be judged most convenient, in order to treat concerning that important object with those whom the belligerent powers should think proper to authorize on their parts, for the accomplishment of so salutary an end.

His Majesty the Most Christian King, her Majesty the Empress Queen of Hungary and Bohemia, and her Majesty the Empress of all the Russias, being equally and



peace, proper  
ment of  
ated with a desire of contributing to the re-establishment  
of public tranquillity, on a just and solid footing, do de-  
clare in return.

That his Majesty the Catholic King having been pleased  
to offer his mediation with respect to the war, which has  
subsisted some years between France and England; and  
this war having no object in common with that which has  
likewise for some years been carried on by the two Em-  
presses with their Allies, against the King of Prussia;

His Most Christian Majesty is ready to enter into a  
treaty of peace with England, so far as it regards himself,  
through the good offices of his Catholic Majesty, whose  
mediation he accepts with pleasure.

With respect to the war which directly concerns his  
Prussian Majesty, their Majesties the Most Christian King,  
the Empress Queen of Hungary and Bohemia, and the  
Empress of all the Russias, are disposed to co-operate to-  
wards the appointment of the proposed congress; but as,  
by virtue of their treaties, they cannot enter into any en-  
gagements relative to peace, but in conjunction with their  
Allies, it will be necessary, in order that they may explain  
themselves precisely on this subject, that their Britannic  
and Prussian Majesties would first be pleased to send their  
invitation to the Congress, to all the powers who are di-  
rectly at war with the King of Prussia, particularly his  
Majesty of Sweden, as well as his Polish Majesty Elector  
of Saxony, who ought to be expressly invited to the future  
Congress.

In this counter declaration, France expressly separated  
her particular war with England, whether in Africa, Asia,  
America, or in Westphalia, from the war which was car-  
ried on in Saxony and Silesia. The King of Spain had  
then offered his good offices to bring about a reconciliation  
between France and England. The separation of the two  
wars, and the tender which his Catholic Majesty made of  
his good offices, induced the King to hope that the sepa-  
rate peace of France might be successfully negociated at  
the Court of London. In consequence of this expectation,  
he ordered the Count D'Affry, his Majesty's Ambassador  
at the Hague, to enter into a conference with General  
Forke, the Envoy Extraordinary from the King of Great  
Britain.

Britain. Those two Ministers had several conferences, which evidently proved that the Court of London was extremely averse to an accommodation, and that the declaration, which she caused to be transmitted by Prince Lewis of Brunswick (to put the most favourable construction on it) was no more than an external act of complaisance for her allies, and that she absolutely never intended it should take effect.

His Majesty was not discouraged by the inflexibility he still experienced on the part of his enemies, from endeavouring to bring about a just accommodation. His Majesty, in 1761, thought proper to declare his sentiments, and pacific inclinations to his allies. He found them inclined to concur in any measures which might facilitate and accelerate the re-establishment of public peace, and in consequence of these salutary dispositions, all the confederate powers agreed to transmit the following declaration to London.

*The Declaration of his Most Christian Majesty.*

**T**HE pacific dispositions which the Kings of England and Prussia expressed the last year, and which are conformable to the sentiments of all the belligerent powers, having met with some difficulties which have proved obstacles to their success, the Courts of France, Vienna, Petersburg, Stockholm and Warsaw, have unanimously agreed to invite those of London and Berlin, to the renewal of a negotiation so expedient for the welfare of mankind, and which ought to interest all the powers at war in the cause of humanity.

With this view, and in order to proceed towards the re-establishment of peace, they propose the meeting of a Congress, at which they think it will be convenient to admit, with the Plenipotentiaries of the principal belligerent powers, no other than those of their allies. If the Kings of England and Prussia adopt this measure, his Most Christian Majesty, the Empress Queen, the Empress of Russia, the King of Sweden, and the King of Poland Elector of Saxony, propose the town of Augsburg, as the place of Congress, which they only point out as a town

within

within the reach of all the parties interested, which by its situation seems to suit the convenience of all the States, and they will not oppose the choice of any other town in Germany, which their Britannic and Prussian Majesties may deem more convenient.

His Most Christian Majesty, the Empress Queen, the Empress of Russia, and the Kings of Sweden and Poland, declare farther, that they have made choice of Plenipotentiaries, to whom they will commit their interests at the Congress, in expectation that the King of England, the King of Prussia, and their allies, will speedily make choice of their respective Ministers, that the negotiation may not be retarded.

The sincerity of this declaration, which the Courts of France, Vienna, Petersburg, Stockholm, and Warsaw have, out of regard to the general good, determined to make to the Courts of London and Berlin, gives them to hope that their Britannic and Prussian Majesties, will signify, by a speedy answer, their sentiments on a subject, so essential to the peace and welfare of Europe.

By order, and in the name of his Most Christian Majesty,  
Signed, the Duke de Choiseul.

This declaration, which concerned all the Allies in general, was not sufficient to put a stop to the miseries of war, so speedily as France could have wished.

In fact, what delays and perplexing incidents were not to be expected from a Congress at which the interests of America were to be treated of at the same time with those of the two Empresses, Sweden, Saxony, and the King of Prussia!

To remove these obstacles, the King, with the consent of his allies, thought proper to press for a separation of the two wars, which had been agreed upon since the year 1759. In consequence of this intension, his Majesty caused a separate memorial to be addressed to the Court of London, which was accompanied by a letter from the Duke de Choiseul, his Minister and Secretary of State for foreign affairs, to Mr. Pitt, Minister and Secretary of State to his Britannic Majesty.

*Letter*



*Letter from the Duke de Choiseul to Mr. Pitt.*

S I R,

**T**HE King my Master, acting in conformity with the sentiments of his Allies, in order, if possible, to procure the re-establishment of a general peace, has authorized me to transmit to your Excellency the memorial hereto annexed, which solely concerns the interests of France and England, with respect to the particular war between the two Crowns. The King has reason to hope, that the sincere manner in which he proposes to treat with his Britannic Majesty, will banish all mistrust in the course of the negotiation, if it takes place, and will induce his Britannic Majesty to make the King acquainted with his real sentiments, whether with regard to the continuance of war, or with respect to the conclusion of peace, as well as in relation to the principles on which they ought to proceed, in order to procure this blessing to the two nations.

I will add, that I am likewise authorized to assure your Excellency, that in relation to the war in which the King of Prussia is concerned, the allies of the King my Master are determined to treat of their interests in the future Congress, with the same frankness and sincerity, of which I can give your Excellency assurance on the part of France; and that, so as not to depart from what is due to their dignity, their situation, and to the demands of justice, they will bring with them to the negotiation all the acquiescence, which their humanity dictates for the general good of Europe.

The King my Master, and his allies, do not doubt but that they shall find the heart of his Britannic Majesty and his allies, impressed with the same sentiments. I esteem it a happiness that my office makes me the instrument of conveying such favourable sentiments, which give me an opportunity of assuring your Excellence, with what distinguished consideration I have the honour to be, &c.

*Memorial of the Christian King.*

**T**HE most Christian King wishes, that the separate peace of France with England could be united with the

the general peace of Europe, which his Majesty most sincerely desires to establish ; but as the nature of the objects, which have occasioned the war between France and England, is totally foreign from the disputes in Germany, his most Christian Majesty has thought it necessary to agree with his Britannic Majesty on the principal articles, which may form the basis of their separate negotiations, in order to accelerate, as much as possible, the general conclusion of the peace.

The best method to accomplish the end proposed, is to remove those intricacies which might prove obstacles to its success. In the business of peace, the disputes of nations concerning their reciprocal conquests, the different opinions with respect to the utility of particular conquests, and the compensations for restitutions, generally form matter of embarrassment at a negotiation of peace. As it is natural for each nation, with regard to these different points, to endeavour the acquisition of all possible advantages, interest and distrust occasion oppositions and produce delays. To obviate these inconveniencies, and to testify the sincerity of his proceedings in the course of the negotiation of peace with England, the most Christian King proposes to agree with his Britannic Majesty, that, with respect to the particular war of France and England, the two Crowns shall remain in possession of what they have conquered from each other, and that the situation in which they shall stand on the 1st of September, in the year 1761, in the East Indies, on the 1st of July in the same year, in the West Indies and in Africa, and on the 1st of May following in Europe, shall be the position which shall serve as a basis to the treaty which may be negotiated between the two powers. Which shews that the most Christian King, in order to set an example of humanity, and to contribute to the re-establishment of the general tranquillity, will make a sacrifice of those restitutions which he has a right to claim, at the same time that he will maintain those acquisitions which he has gained from England during the course of the war.

Nevertheless as his Britannic Majesty may think that the periods proposed of the 1st of September, July, and May, are either too near or too distant for the interests of the

the British Crown, or that his Britannic Majesty may judge it proper to make compensation for the whole, or for part of the reciprocal conquests of the two Crowns, the most Christian King will readily enter into negotiation with his Britannic Majesty in relation to these two objects, when he shall know his sentiments concerning them, the principal view of his most Christian Majesty, being to testify not only to England, but to the whole world, his sincere disposition to remove all impediments which might defer the salutary object of peace.

The most Christian King expects, that the disposition of his Britannic Majesty will be correspondent, and that he will, with equal sincerity, answer all the articles contained in this memorial, in which the two Powers are so essentially interested.

These pieces were dated the 26th of March. England had then conquered from France Isle Royal or Cape Breton, all Canada, the Isles of Guadalope and Marigalant, and that of Goree in Africa, with Senegal; Europe at that time was ignorant of the precise situation of affairs between the two Crowns in Asia, and the expedition against Bell-Isle had not then taken place.

France, on the other hand, had conquered the Island of Minorca, had repaired some parts of the port of Dunkirk, and in Germany were in possession of Hanau, the Landgraviate of Hesse, and the town of Gottingen in the Electorate of Hanover. It is necessary to observe, that Cassel was besieged on the 26th of March, and that it was to be feared that on the 1st of May the King's forces would no longer be in possession of Hesse, and of the town of Gottingen.

Wesel and Gueldres could not be comprised in the offer of *Uti possidetis* which France proposed, because those two towns, and the countries dependant on them, appertain to the Empress Queen: that the King has only the custody of them, and that justice is administered there in the name of her Imperial Majesty.

All Europe was astonished at the sacrifices which the King was disposed to make to England: His Majesty's Ministry were reproached on the part of those Courts who

were



were most affectionate to France, and no one doubted but that England would prefer the quiet possession of her conquests, and the repose of her allies in Germany, to the continuation of the war. The memorial of France, by establishing a fixed basis for the negotiation, proposed to make necessary compensations for the advantage of the two crowns, and opened a way for the evacuation of Germany on the part of the French troops, in compensation of the conquests of England in America.

The full extent of the proposition contained in the memorial of the 26th of March, addressed to Mr. Pitt, was known in France; but the King, like a true father of his people, thought of nothing but their relief; and in consequence of this sentiment, determined to adhere to the offers which seemed to him the most sure and ready expedients for inspiring his enemies with that spirit of reconciliation, which directed all his Majesty's wishes and measures.

Mr. Pitt answered the Duke of Choiseul's Letter, and at the same time sent him a memorial, in answer to that of France of the 26th of March.

*Mr. Pitt's Letter to the Duke de Choiseul.*

S I R,

London, 8th April, 1761.

THE King my Master has authorized me to transmit to your Excellency, with all the dispatch which was found possible, the memorial hereto annexed, in answer to that of the 26th of the last month, made by the order and in the name of his most Christian Majesty, solely concerning the interests of England and France, relative to the particular war between the two Crowns, which was accompanied by a letter from your Excellency of the same date, transmitted to me by M. the Prince Galitzin.

His Majesty has published his real sentiments, with regard to the salutary business of peace, with the sincerity which his Christian Majesty desires, and of which he himself set the example; the King my Master, on his part, desires nothing more than, by the sincerity of his conduct, to remove all distrust in course of the negotiation.

I will

I will likewise acquaint your Excellency, that the King learnt with great satisfaction, that your Excellency was authorized to give assurance that, in relation to the war which concerns the King of Prussia, the allies of his most Christian Majesty are determined to treat with the same openness and sincerity at the Court of France, and that they will bring with them, to the negotiation at the future Congress, all the acquiescence which their unanimity dictates for the general good of Europe.

I must add that, with regard to the war which concerns the King of Prussia, as well as with respect to the other allies of the King my Master, his Majesty, always constant in fulfilling the engagements of his crown with the most scrupulous exactness, can never fail to support their respective interests, whether in the course of the negotiation, (which may God prosper) or in the continuance of the war, (if contrary to all expectation this misfortune should be unavoidable) with the cordiality and efficacy of a sincere and faithful ally.

As to what remains, it is superfluous to mention to what degree his Majesty wishes for this speedy establishment of the general peace in Germany, after the distinguished proof his Majesty has given, in so readily consenting to the proposition of so distant a place as the town of Augsbourg for the meeting of the Congress.

Such are the sincere and upright intentions of the King my Master for the re-establishment of the public tranquillity. I think myself happy in having the charge of conveying such sentiments, and of having an opportunity of assuring your Excellency of the distinguished regard with which I have the honour to be, &c.

Signed W. P I T T.

*The Memorial of his Britannick Majesty, of the 8th of April 1761.*

**H**IS Britannic Majesty, equally desirous with the Most Christian King, that the separate Peace of England and France could be united with the general peace, for which the King of Great Britain is so sincerely interested, that, in regard to this point, he even means that the con-  
tests

tests which might arise between the two Crowns concerning their particular differences, should not occasion the least delay to the speedy conclusion of so salutary a work as the general peace of Germany; and his Britannic Majesty is the more confirmed in this sentiment, dictated by humanity towards so many nations, that he feels in all its extent the proposition which the Most Christian King establishes as a fundamental principle; that the nature of the objects which have occasioned the war between England and France, is totally foreign from the disputes in Germany.

In consequence of this incontestible principle, the King of Great Britain entirely adopts the sentiment of his Most Christian Majesty, that it is necessary to agree between the two Crowns on some principal articles, which may form the basis of their particular negotiations, in order the more to accelerate the conclusion of a general peace.

The King of Great Britain equally agrees in general to the proposition which the Most Christian King has made with an openness, in which his Britannic Majesty will concur throughout the course of the negotiation; that is to say, that, in relation to the particular war between England and France. 1. The two Crowns shall remain in possession of what they have conquered, one from the other. 2. That the situation in which they shall stand at certain periods, shall be the position to serve as a basis for the Treaty which may be negotiated between the two Powers.

With regard to the first branch of the aforesaid proposition, his Britannic Majesty takes pleasure in doing justice to the magnanimity of His Most Christian Majesty, who, from motives of humanity, determines to sacrifice to the love of peace, the restitution which he thinks he has a right to claim, maintaining at the same time what he has conquered from England during the course of the war.

With respect to the second head of the aforesaid proposition, concerning the reciprocal Conquests made by the two Crowns one upon another; that is to say, That the situation in which they shall stand at the respective periods assigned for the different quarters of the globe, shall serve as a basis for the said Treaty, the King of Great Britain again



again acknowledges with satisfaction the candour which is manifested on the part of his Most Christian Majesty in this article, by obviating, as he has done, the extreme difficulties, and by anticipating the indispensable objections, which could not but arise on such a subject; it being in fact self-evident, that expeditions at sea requiring preparations of long standing, and depending on navigations which are uncertain, as well as on the concurrence of seasons, in places which are often too distant for orders relative to their execution to be adapted to the common vicissitudes of negociations, which for the most part are subject to disappointments and delays, and are always fluctuating and precarious: from whence it necessarily results, that the nature of such operations is by no means susceptible, without prejudice to the party who employs them, of any other epochas, than those which have reference to the day of signing the treaty of peace.

Nevertheless as this consideration, as well as that which respects the compensations (if such shall be found proper to be made between the two Crowns) on account of their reciprocal conquests, comprehend the most interesting and capital articles of the treaty, and as it is upon these two decisive objects, that the Most Christian King voluntarily offers to enter into a negociation; the King of Great Britain, desiring to concur effectually with the favourable dispositions of the Most Christian King, in order to remove all impediments, which might defer the salutary object of peace, his Britannic Majesty declares that he is ready on his part to enter upon the proposed negotiation with speed and sincerity. And more authentically to demonstrate to what extent the sincerity of his conduct proceeds, his Britannic Majesty declares farther, that he should be glad to see some person at London sufficiently authorized, by a power from the Most Christian King, to enter upon this subject with the British Ministers, in regard to the several articles contained in the Letter of the D. de Choiseul of the 26th of March 1761, to the Secretary of State of his Britannic Majesty, which points are so essentially interesting to the two Powers.

By the order, and in the name of the King of Great Britain my Master,

Signed W. P I T T.

The letter of the English Minister shews, in appearance, an equal zeal with that of France, for the re-establishment of the Union between the two Crowns: it contains, moreover, a declaration in favour of the King of Prussia, which seems foreign to the purpose, and appears the more affected, as the King never testified the least desire to separate the alliance which united England to his Prussian Majesty.

The British Memorial, annexed to the letter of the English Minister, accepts the *Statu Quo*, but says nothing with regard to the epochas. In fact, it is concluding nothing with regard to that interesting and necessary object attached to the proposition of *Uti Possidetis*, to say that the peace shall be the epoch to fix the possessions of the two powers.

In the conclusion, England proposed the sending of a French Minister to London. This proposition gave a favourable omen of the dispositions of the British Court towards peace. The King ordered the D. de Choiseul to return an answer to Mr. Pitt, and to accompany it with a Memorial which, at the same time that it clearly expressed his Majesty's real sentiments, contained an acceptance of the proposal for sending a Minister to London, which required the reciprocity of dispatching an English Minister to France.

*Letter from the D. de Choiseul to Mr. Pitt.*

S I R, Versailles, 19th April, 1761.

Made the King my master acquainted with the letter which your Excellency did me the honour to write to me on the 8th instant, as well as with the Memorial hereto annexed.

His Majesty has remarked with real pleasure, the conformity of his Britannic Majesty's sentiments with his own, in regard to the sincere and open conduct which it becomes two such great powers to observe in the negotiation of a Peace.

The King has not delayed, Sir, the nomination of an Ambassador to represent him at the Congress at Augsburg. His Majesty has made choice of the Count de

Vol. II.

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Choiseul,

Choiseul, at present his Ambassador at Vienna, and he will repair to the town appointed, at the beginning of July, in the expectation which we entertain here, that his Britannic Majesty will send his Ambassador thither at the same time.

The King has commanded me, Sir, to observe on this occasion to your Excellency, in answer to the declaration contained in your letter, that his Majesty, as constant as any other power, in fulfilling the engagements he has made with the Allies with the most scrupulous punctuality, will continue, with that fidelity which is consistent with the integrity and dignity of his character, to make his cause common with theirs, whether in the negotiation for the peace of Germany, or in the continuance of the war, if, to the misfortune of mankind, the favourable dispositions in which the belligerent powers are at present thought not be attended with the success which is so earnestly desired.

I ought not, on this occasion, to omit informing your Excellency with what concern the King would see himself obliged to continue such a destructive war, after having entertained a confidence that all the parties were interested in putting a stop to the calamities it occasions.

As to what relates to the war in particular between France and England, I have annexed to this letter a memorial in reply to that of your Excellency. We cannot be too zealous in explaining the upright intentions of our masters, in order to remove, at the beginning of this interesting negotiation, those misunderstandings, which often augment, instead of lessening the delay.

You are a Minister, Sir, too enlightened, not to approve of this principle. I have the honour to be, with most distinguished regard, &c.

Signed Le Duc de Choiseul

*The Memorial of his Most Christian Majesty of the 19th April, 1761.*

**T**HE Most Christian King perceives with satisfaction that his Britannic Majesty agrees that the nature of the objects which have occasioned the war between France



and England is totally foreign from the disputes which have given rise to the war in Germany; it is in consequence of this principle that his Most Christian Majesty offered the King of England to treat concerning the preliminaries relative to the particular interests of the two Crowns; but in making that proposition, the King of France, did not understand, as the beginning of the memorial of London of the 8th of April seems to intimate, that the peace of Germany could take place, without the differences between France and England being adjusted. His Most Christian Majesty has sufficient confidence in his Allies to be certain that they will neither conclude a peace nor a treaty, without his consent. He did not understand therefore, that the peace of Germany could be concluded distinctly from that of France and England, and he only proposed to the King of England, to separate the discussion of the two wars, in order to bring about a general peace for all parties.

His Most Christian Majesty renews the proposition which he caused to be made in the first memorial, that the two powers should remain in *Statu Quo* with regard to their possessions and conquests, according to the periods stated in the said memorial, but his Majesty observes, that the basis of the proposition is necessarily connected with the epochas proposed; for it is easy to conceive that such events may happen on either side, as may absolutely prevent an acquiescence to the *Uti Possidetis*, if the epochas are distant; and his Most Christian Majesty has the more reason to recal the whole proposition, if the King of England does not acquiesce to the epochas annexed to it, since no one can doubt but that those periods were proposed at a time when they were not advantageous to France.

It is certain that the reciprocal conquests cannot be ascertained but on the day of signing the peace; but it is no less certain, that it is impossible to fix the basis of a negotiation for peace, otherwise than according to the situation in which the belligerent parties stood at such or such a period of the war. This is the light in which the King of France understood the proposition which he made to the King of England; and it is upon this principle, if

his Britannic Majesty adopts it, that his Most Christian Majesty will send a Minister to London with credentials, and charged with full power sufficient to treat with the Ministers of the King of Great Britain, either with respect to the ground of the dispute, or in regard to the compensations proper to be made to the two Crowns, as well as concerning the interests of their colonies and their commerce. The disposition of his Most Christian Majesty, to put an end to the miseries of war, which divides the two nations under their government, is equal to that of his Britannic Majesty; but as the zeal on both sides should be alike, at the same time that the Most Christian King shall send M. Bussy to London, he hopes that the King of Great Britain will send an English Minister to France, to treat concerning the same objects with his Ministry. His Most Christian Majesty expects the answer of his Britannic Majesty on the contents of this memorial, in order to expedite and receive the reciprocal and necessary passports.

By the order and in the name of the King my Master,  
Signed Duc de Choiseul

Mr. Pitt's answer contained a new memorial on the part of England, in which their arguments with respect to the epochs were far from being just: for, altho' France proposed, by the memorial of the 26th of March, to negotiate with respect to the epochs, it was not the less certain, that the proposition of *Uti possidetis* was connected with those epochs, whether the Courts agreed that they should be distant or near. In fact, if it should happen that they could not agree in that particular, it was evident, that the proposition of *Uti possidetis* dropped with the negotiation.

*Mr. Pitt's letter to the Duke de Choiseul.*

Monseigneur,

Whitehall, 28th April, 1761.

I Have laid before the King my master the letter which your Excellency did me the honour to write to me the 19th of this month, as also the Memorial which was annexed to it.

His

His Majesty sincerely wishes to maintain an entire conformity of sentiments with his Most Christian Majesty, in relation to the uniform and direct method which it is proper to pursue in a negotiation equally delicate and important.

The King understands, Sir, with pleasure, that his Most Christian Majesty has made choice of the Count de Choiseul to represent him at the Congress at Augsbu<sup>rg</sup>, and that that Ambassador will repair to the destined town at the beginning of July; and the King has charged me to inform your Excellency, that he has nominated the Earl of Egremont, Lord Viscount Stormont, and Sir Joseph York, to represent him at the said Congress, and that his Ambassadors will likewise repair to Augsbu<sup>rg</sup> at the beginning of July.

It becomes me, on this subject, to acquaint your Excellency, that the regret of the King my master would not be less than that of the Most Christian King, to see the war continued in Germany, which is destructive to so many nations.

I annex to this letter a memorial, in answer to that of your Excellency of the 19th instant, in relation to the war in particular between Great Britain and France. It is true, Sir, the principle of removing misunderstandings is business, upon all occasions, cannot be too highly approved; therefore it cannot escape the observation of your Excellency, that at the beginning of an accommodation, unexpected alterations naturally have the effect of involving the overtures in obscurity and uncertainty, rather than so introducing that perspicuity and confidence, so indispensable in a negotiation between two such great powers. As the natural remedy against inconveniences of this nature seems to be the presence of reciprocal Ministers, who, treating by word of mouth, may give an explanation immediately on starting of a doubt, your Excellency will see by the memorial hereto annexed, the disposition of his Majesty in this respect.

I have the honour to be, with the most distinguished regard, &c.

Signed W. PITT.



*The Memorial of his Britannic Majesty of the 28th of April, 1761.*

**T**HE King of Great Britain, always influenced by the same desire of putting an end to the miseries of the war, which is unhappily kindled between Great Britain and France, has with pleasure concurred in every measure which tends to remove the obstacles which impede so salutary a work. It is with this view, that his Britannic Majesty will readily send Mr. Stanley to France, in the quality of his Minister, at the same time that the Most Christian King shall send Mr. Bussy to London.

As to what remains, his Majesty does not find by the memorial of the 26th of last month, made in the name of his Most Christian Majesty, that the ground of the proposition therein contained, concerning the reciprocal conquests, is necessarily connected with the periods proposed; quite on the contrary; it is expressly about those very periods that the Most Christian King offers to enter into a negotiation. These are the express words; "Nevertheless, as his Majesty may think that the proposed periods of September, July, and May, may be either too near or too distant for the interests of the British Crown, or that his Britannic Majesty should think proper that compensation should be made for the whole or part of the reciprocal conquests of the two Crowns; upon these two points, the Most Christian King will readily enter into a negotiation with his Britannic Majesty, when he shall be acquainted with his intentions."

It was in consequence of an offer so clearly expressed, and not capable of misconstruction, that his Britannic Majesty resolved to declare, that he was ready on his part to enter, with speed and sincerity, upon the proposed negotiation. The King of Great Britain, persevering in his intentions, renews his former declaration; and his Britannic Majesty, to leave no doubt with regard to his inclinations, has forwarded the passport hereto annexed, and will be glad to receive one immediately in return from the Court of France, that, by means of a treaty by word of mouth, as well with respect to the grounds of the dispute, as in relation to the epochs, as also in regard to the compensation

penfation which may be agreed on between the two Crowns, they may be better able on both fides to clear up doubts, and remove all ambiguities from the negotiation, which, in order to be effectual, fhould be conducted on both fides with fincerity, precifion and expedition.

By the order, and in the name of the King, my Mafter,  
Signed W. P I T T.

The paffports for Mr. Buffy being arrived, the King ordered thofe neceffary for Mr. Stanley to be expedited, and the difpatch of the refpective Minifters for the important negotiation on foot, was fettled by the letters here annexed.

*Letter from the D. de Choifeul to Mr. Pitt.*

S I R,

THE King, my Mafter, entirely adopts the principle advanced in the letter with which your Excellency honoured me on the 28th of laft Month, as likewife in the memorial thereto annexed, with refpect to the neceffity of difpatching refpective Minifters, in order to elucidate a number of difficulties, which it is impoffible to obviate by letters and memorials. I fhould nevertheless have been proud of the honour of negotiating fo important an affair perfonally with your Excellency. No one has a higher confidence than myfelf in the integrity and the uncommon talents which your Excellency poffeffes, and I do prefume, that the intentions of the Kings, our mafters, being at once determined on peace, the fagacity of your Excellency, joined to my zeal for fo precious a bleffing, would have fmoothed all difficulties; but as our employs neceffarily keep us at a diftance from a perfonal negotiation, M. de Buffy, who is ufed to tranfact bufinefs with me, will fup-  
ply, near your Excellency, the defire I have of concurring in the falutary views of peace, which feem to animate all the belligerent powers. I entreat your Excellency to grant him your favour, and I am certain that he will ufe his utmoft endeavours to deferve it.

Your Excellency will fee by my private letter, to which his Majefty's paffports for Mr. Stanley are annexed, fome precau-

precautionary arrangements, which I propose to be settled in order to prevent the inconveniences which might arise on the first dispatch of the respective Ministers.

I have the honour to be, &c.

Signed Le Duc de CHOISEUL.

*Another Letter from the Duc de Choiseul to Mr. Pitt, of the 4th of May, 1761.*

**I** HAVE received the passport of the King of Great-Britain, which your Excellency did me the honour to send for M. Bussy, in quality of Minister of the King my master; and I send you in return his Majesty's passport for Mr. Stanley, whom his Britannic Majesty has been pleased to appoint in order to come to this court in the same capacity. I think it my duty, on this occasion, Sir, to make some observations, which seem to me necessary to warrant the execution of the commissions of those two Ministers.

1. The King thinks, that his Britannic Majesty will judge it convenient that the two Ministers should be charged with full power from the respective courts, to use upon occasion.

2. That the two Ministers should each of them have letters of credence from the Kings their masters, which they shall deliver to the Secretaries of State only; that is to say, in France, to the Minister and Secretary of State for the department of foreign affairs; and in England, to the Minister and Secretary of State for the Southern department.

3. As his Majesty's intention is, that the English Minister shall enjoy the same privilege in France, as if the two courts were in the midst of peace, as well with regard to the common intercourse of life, as in maintaining a correspondence with the court of England and the other courts of Europe, and lastly, for the dispatch of his couriers, and with respect to all the prerogatives and franchises in general incident to his character; his Majesty relies, that M. Bussy will absolutely enjoy the same rights, prerogatives, franchises, and liberties, at London; it being understood, nevertheless, that when one or the other are about to dispatch their couriers to their own or any other court.



court, they shall be obliged to require a passport from the Secretary of State in that department, which shall not be refused to them, any more than the necessary vessel to transport their couriers from France to England, and from England to France.

4. We desire to know when Mr. Stanley will be ready to leave London in order to repair to Calais, in order to direct M. Buffly's journey, so that he may repair to Calais at the same time, to be transported to England in the same vessel which brings Mr. Stanley over, if that is agreeable to the court of Great-Britain: if not, the King will keep a vessel in the port of Calais, which shall transport M. Buffly to England, in which case it will be proper to know what kind of vessel his Britannic Majesty will chuse to bring Mr. Stanley to Calais.

I believe your Excellency will find these observations proper, and that you will send me your answer as soon as possible.

*Mr. Pitt's Answer to the Duke de Choiseul, of the 11th of May, 1761.*

S I R,

THE King my master has learnt with real satisfaction, by the letter which your Excellency did me the honour to write of the 4th of this month, that the sentiments of the most Christian King are conformable to those of his Majesty with respect to the mutual dispatch of the Ministers from the two courts.

I hope your Excellency will be persuaded, that I have a lively sense of the value of those obliging sentiments with which you have been pleased to honour me, and that, conscious as I am of your superior qualities, which have engaged the approbation of every court, I perceive in its full extent, how flattering a circumstance it would have been for me to have had the honour of treating personally with your Excellency upon so interesting an object, and to have shared with you, in point of zeal for the prosperous conduct of the peace, the satisfaction of co-operating more immediately to give the people assurance of the effects of the salutary dispositions of the Kings our masters. I shall, nevertheless,

nevertheless, take real pleasure, upon all occasions, to pay the respect due to M. Bussy's character, as well as to his merit; and I can assure you, Sir, that the happiness, which that Minister has had, of being used to transact business with your Excellency, is an additional circumstance, which cannot but interest me extremely in his behalf.

I am persuaded, that Mr. Stanley, who is descended from an illustrious family, and who entertains noble sentiments, will use all his endeavours to merit the honour of your Excellency's esteem, and he wishes to be recommended to your favour.

You will see, Sir, by my private letter, the reflections which have occurred in relation to the precautionary arrangements, which your Excellency proposed to settle, and I hope that no farther impediments will remain on this subject. I have the honour to be, &c.

Signed W. P I T T.

*Another Letter from Mr. Pitt to the Duke de Choiseul, of the 11th of May, 1761.*

S I R,

I HAVE received the three passports, which your Excellency has done me the honour to transmit for Mr. Stanley, in quality of Minister from the King my master, and I in return transmit to you a second, which his Majesty has granted for the vessel which the most Christian King shall think proper to order for transporting M. Bussy into England; and I annex the order to the officers of the customs, for the free importation of the effects and baggage of the said Minister.

As to what relates, Sir, to the observations which you thought yourself obliged to make, to warrant the execution of the commission of those two Ministers, it is with great satisfaction I assure your Excellency, that the King, in conformity with the sentiments of his most Christian Majesty, is of opinion,

1. That the two Ministers should be charged with ample power from the Kings their masters, to make use of as occasion shall offer.

2. That

2. That the two Ministers ought, each of them, to have letters of credence from their Majesties, which they shall not need to deliver but to the Secretaries of the respective States, in the manner specified by your Excellency.

3. It is the intention of his Majesty, that M. Buffy should absolutely enjoy in England the same rights, prerogatives, franchises, and liberties, as if the two courts were in the midst of peace, and which Mr. Stanley, in pursuance of the intention of his most Christian Majesty, is to enjoy in France; and that as to the dispatch of couriers, as well as every thing else which concerns the two Ministers, the tenor of the third article of observations relative to this head, shall be observed in every respect.

As to what remains, concerning the time of the departure of the said Ministers, as also concerning the manner of their crossing the sea, the King is of opinion, that, in order to obviate all difficulties, Mr. Stanley and M. Buffy may respectively repair to Dover and Calais, to cross the sea each of them in a vessel appertaining to their own nation, which the Kings their Masters shall keep ready for that purpose in the two ports aforesaid. It is in confidence of this disposition, that I am obliged to acquaint your Excellency, that the King will dispatch Mr. Stanley from London, so that he may reach Dover on the 23d of this month, unless we learn that a time so near at hand should be inconvenient to the court of France; and the King my master relies, with full confidence, in M. Buffy's repairing to Calais on the aforesaid day, that the two Ministers may cross the sea without delay, as far as the circumstances of wind and navigation will permit them. I will add to your Excellency, that Mr. Stanley will make use of a packet-boat from Dover, and that M. Buffy may cross from Calais to England in whatever vessel his most Christian Majesty shall judge convenient.

I flatter myself, that your Excellency will find that these arrangements will equally facilitate the method of the two Ministers repairing to their reciprocal destinations without inconvenience.

I have the honour to be, &c.

Signed W. P I T T.

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The courts in alliance with France, without opposing this negotiation with the court of London, expressed great uneasiness at the reciprocal dispatch of the two Ministers: they were encouraged, however, by the promise which the King made to them, of communicating, with the utmost confidence, a detail of the several objects which should be treated of, either at London or Versailles. In the declaration made to them on the part of the King, they at once admired his Majesty's steadiness to his engagements, and that generosity, with which he determined to sacrifice his personal interests, in order to come to a speedy and firm reconciliation with England.

M. Bussy set out for London: his instructions were extremely simple: the basis of them regarded the proposition *Uti Possidetis*, and he was enjoined,

1. To demand of the British Minister, whether the King of England accepted of the periods annexed to the proposition of *Statu Quo*, and if his Britannic Majesty did not accept of them, what new periods he proposed to France?

2. To declare to the court of London, That the war, which the King waged against England, was entirely distinct from that of the Empress-Queen against the King of Prussia, and that consequently, except as to Wesel and Gueldres, which appertained to her Imperial Majesty, the King was at liberty to cause his forces to evacuate Gottingen, Hesse, and the county of Hanau, but that his Majesty made this evacuation to depend on two conditions: first, That the court of England should give proper security, that the army commanded by Prince Ferdinand should be disbanded, and not serve against the King's allies. Secondly, That his Britannic Majesty would agree on some restitution which should be judged reasonable on the part of England, as a compensation for the French troops evacuating Gottingen, the Landgraviate of Hesse, and the county of Hanau.

Mr. Stanley arrived at Marly at the same time that Mr. Bussy arrived at London. The English Minister, at the very first conference, declared in the name of his court that the King his Master would support his allies with *efficiency and good faith*, [These were the terms he made use

of.] The King's Minister, who conferred with Mr. Stanley, answered him by a declaration equally precise, with respect to his Majesty's intention to fulfil his engagements with regard to the allies of France: but as the peace between the Empress Queen and the King of Prussia was to be negotiated at the congress at Augibourg, which was fixed for the pacification of Germany, the D. de Choiseul observed that the differences between her Imperial Majesty and the King of Prussia were by no means the subject on which the French and English Ministers were reciprocally dispatched.

The subsequent conferences passed in discussing the periods fixed in the memorial of the 26th of March; but the English Minister, both at London and Paris, eluded giving any positive answer on that subject.

It is necessary to observe, that the British court had resolved on the enterprize against Belleisle, since the memorial of the month of March. The expectation of success from that expedition, no doubt, retarded, on their part, a categorical answer in relation to the epochs.

Mr. Pitt, being pressed on that subject by M. Bussy, had shewn himself averse from declaring any thing decisive; on which his Majesty wrote to his Minister at London, to elucidate and fix precisely the basis of the negotiation, relative to the *Uti Possidetis* and the epochs, and by that means to accelerate the negotiation of peace. The island of Belleisle was taken: Mr. Pitt then gave M. Bussy the memorial here annexed.

*The Memorial of the British Minister, of the 17th of June, 1761.*

MR. Stanley having represented by his letter of the 8th of June, that the D. de Choiseul, in the course of their conferences, had agreed, "That the epochs must still remain a matter of negotiation, but that his Excellency nevertheless was of opinion, that in the present state of that affair, according to the natural and usual course of things, his most Christian Majesty having already named the 1st of September, July and May, his Britannic Majesty should proceed, either by accepting of those days, or by

by naming others more agreeable to his intentions, which were probably regulated by preparations and designs, of which the court of France was ignorant; that this method appeared to him more likely to expedite the business, than the making of reiterated propositions on their part, which could only be grounded on mere conjecture." It is upon this footing, that, in order to make a return to the above invitation on the part of France, as well as in consequence of his Majesty's having accepted the proposition of the said court of the 26th of March last, his Majesty offers to agree with the most Christian King, that the first day of July, September and November following, shall respectively be the different periods or epochs, to fix the *Usi Possidetis* which France has proposed to make the basis of the treaty which may be negotiated between the two powers. All other conquests made beyond those periods shall be mutually restored. But as his Majesty is of opinion, that epochs which have no reference to the actual signature of something obligatory between the two crowns, must necessarily be only a vain illusion, void of use or reality; or that it might even happen, that in the end they may prove the source of intricate disputes, and dangerous and captious altercations; and the King having no other view but to concur with the upright intentions of his most Christian Majesty, in accelerating and confirming the blessing of peace to both nations, his Majesty only offers to agree to the aforesaid epoch, on the two following conditions:

1. That every thing, which shall be happily adjusted between the two crowns, in relation to their particular war, shall be made obligatory, final, and conclusive, independent of the fate of the negotiation at Augsbourg, which is to compose and terminate the disputes of Germany, and to re-establish a general peace.

2. That the said definitive treaty of peace between Great-Britain and France shall be concluded, signed and ratified, or preliminary articles to that end, between this and the first of August next.

The restitution of the prizes taken at sea shall be regulated according to the respective terms which are usual for different parts of the globe; which terms are to be com-

puted



puted from the day of the signature of the said definitive treaty, or of preliminary articles of peace, in case a ratification ensues.

The King, desiring farther to facilitate the salutary work of peace, as far as reason and justice will permit, declares, moreover, that with regard to Belleisle, his Majesty will agree, in the said future treaty, to enter into compensation for that important conquest.

With regard to farther compensations for any part of the other conquests made by the crown of Great-Britain; his Majesty reserves himself, till he shall learn what are the most Christian King's desires in that respect, which when he shall know, his Majesty will open himself with perfect sincerity and good faith.

We see by this memorial, the epochs which England required to determine the *Usi Possideti*, were farther distant by two months than those offered by France; and it was evident, that as the enterprize against Belleisle had determined England to defer her answer with regard to the epochs, so the success of that expedition had made them resolve to fix the term of July for Europe, specified in the English memorial, instead of May, which was proposed by the French memorial.

England made the epochs she assigned depend on two conditions. The first of those conditions departed both from the letter and the spirit of the memorial of the 26th of March: for although France had proposed to treat of a peace separately with England; nevertheless his Majesty's intention was not regulated by this principle of the negotiation, that peace could be concluded with England, without providing for the peace of Germany. In fact, the memorial of the 26th of March, from which the court of England drew such advantageous arguments, opened with this expression, "The most Christian King is desirous that the particular peace of France with England should be united with the general peace of Europe."

The second condition, with respect to discussing and settling the articles, so that they might be signed and ratified by the 1st of August, was very difficult to be fulfilled in regard to a war, which extended over the four quarters

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of the globe, this condition proposed by England not being known to France till the end of June.

France returned no specific answer to the memorial of the court of London; but verbally acquiesced, as far as possible, to the second condition; and with regard to the first, the King required the consent of the court of Vienna, to conclude a separate peace with England. This consent was necessary, since, from the beginning, as is before-mentioned, it was agreed between her Majesty and his allies, that they should treat of peace separately; but that all the belligerent parties should come to a conclusion together.

Though the Empress Queen was perfectly sensible of the prejudice which the alliance might sustain by a negotiation in Germany, at a time that France was at peace with England; yet her Imperial Majesty, to oblige the King, agreed, on this occasion, to sacrifice her own interest to the desire which his Majesty expressed for the establishment of peace. This princess consented to the separate accommodation of France with England, upon this express and equitable condition, that nothing should be therein stipulated, which might be contrary to the interest of the House of Austria.

The conclusion of the British memorial contained a proposition for France to make some overtures with regard to the compensations. The King availed himself of this intimation, and ordered a memorial to be prepared, including specific propositions, which put the negotiation in a proper train, and fixed its basis on express and determinate points.

France was perfectly sensible how disadvantageous it was to her, to make her enemies acquainted with the favourable conditions which it was agreed to allow them, in order to succeed in the re-establishment of peace: she was conscious, that it was just and reasonable for France, who made the first proposition of *Uti Possidetis*, to wait till England explained herself concerning the compensations; but she flattered herself, that England was sincerely desirous of re-establishing the union between the two crowns; and the advantages, which would redound to England from the offers of France, were so visible and extensive, that there was no suspicion that the court of London would

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increase the difficulties of a negotiation, which France was zealous to terminate without delay, and to the satisfaction of the two powers.

Before a memorial of propositions was sent in form to the court of London, his Majesty's Minister, entrusted to confer with M. Stanley, gave him previous assurances of the sacrifices which his Majesty had resolved to make. He authorized him to write word, that France would guaranty the possession of Canada to England, provided that England would restore to the King the island of Cape Breton, and confirm the right of the French to fish, and dry their fish, in the gulf of St. Lawrence, upon the coast, and in the island of Newfoundland. As the island of Cape Breton, if fortified, might afford England matter of jealousy, the French Minister told Mr. Stanley, that the King engaged to destroy all the fortifications which might remain in that island, and not to erect any new ones upon any pretence whatever. The port of Louisbourg being to be considered only as a shelter for the fishermen in the gulf of St. Lawrence, and on the coast of Newfoundland, France offered to restore the island of Minorca to England, provided they would give up the islands of Guadaloupe and Marigalante in return.

With regard to the East-Indies, they proposed that the treaty of the Sieurs Godeheu and Saunders, made in the year 1755, should be confirmed. That treaty, although advantageous to the English company, was judged to be most effectual for maintaining peace between the two companies, and to recal them to views of commerce much more analogous to their reciprocal interests, than prospects of conquests, which had hitherto kept them at variance.

With respect to Africa, France required that England should restore either Senegal or Goree, and on those conditions the King declared that he would evacuate Gottingen, Hesse, and the county of Hanau, would withdraw his forces upon the Rhine and the Maine, and would leave no French troops in Germany, but in proportion to what troops of the enemy remained assembled in the British army at Westphalia.

Mr. Stanley took notes of these overtures, which were made by the D. de Choiseul, who told him moreover, that



the propositions made to the English Minister could only be considered as intimations of conditions which might possibly be agreed to, and as preliminary steps to the memorial which France determined to transmit to the court of London in form, if the points discussed in the conference of the Duke de Choiseul with Mr. Stanley should be thought proper to serve as a basis for the negotiation of peace.

The answer from England arrived the 30th of June. Mr. Stanley had a conference with the Duke de Choiseul respecting this answer; and in the course of that conference he started three difficulties on the part of his court. The first concerned Cape Breton. England absolutely refused to cede that island to France, even upon the condition that no military establishment whatever should be kept on foot there. Mr. Stanley intimated, that his court had no intention of restoring any island or port in the gulf of St. Lawrence, or within reach of that gulf. He added, that England would make no difficulty of allowing the liberty of fishing and drying the fish on the shores and coasts of Newfoundland; but that this would be granted on condition that Dunkirk was demolished, as it was stipulated to have been by the treaty of Utrecht.

Till this moment no mention had been made of Dunkirk, either in what had passed by word of mouth, or in writing, with relation to the peace between the two crowns.

In fact, it was unjust to insist on this article, since the court of London, having had this principle established in treating of peace, to adhere to the memorial of *Uti Possidetis* of the 26th of March, they could not pretend that the present state of Dunkirk was comprized in the *Uti Possidetis* of France.

The liberty of fishing, and the shelter without fortifications, was the compensation for the cession of all Canada and of the guaranty which France offered to make to England of that considerable part of North America. The restitution of the island of Minorca was certainly equivalent to the cession of Guadaloupe and Marigalante; and the evacuation of Hesse and the other countries appertaining to the Elector of Hanover and to the Landgrave, was compensated by the restitution of Senegal and Goree, and Belleisle.

Belleisle, which had been conquered since the Memorial of the 26th March, and after the proposition of the epochs proposed in that memorial.

Besides, France had declared, at the time of taking Belleisle, that she did not understand that conquest was to have been an object of compensation, and that she thought the keeping of Belleisle would be more expensive than profitable to England.

Mr. Stanley, in opposing the cession of Isle Royal to France, absolutely refused the restitution of Senegal and Goree, pretending that Senegal could not be securely maintained without Goree; in the end, he insisted on the demolition of Dunkirk as a condition absolutely necessary. The article relating to Germany was not negotiated on his part; and after several conferences it was agreed that France should prepare a memorial of specific propositions, which should be sent to England. The memorial was drawn, and is here annexed.

*The French Memorial, 15th July, 1761,*

THE negotiations of peace entered upon between France and England, have proved that the Sovereigns sincerely wish to re-establish that union and amity, so agreeable to humanity, between the two Crowns; and the resolution in which the King concurs, in conjunction with his Britannic Majesty, to terminate by a precise and durable treaty, the differences which have occasioned the present war, has determined his Majesty, always maintaining the spirit and letter of the declaration of the 26th March last, in relation to the means of procuring peace, to explain more precisely by this memorial, the conditions which appear to him most proper to accomplish the desirable end which influences him as well as the King of England.

But the King declares at the same time, that he entrusts this proposition with the King of Great-Britain, that if it should not be accepted by his Britannic Majesty, or should not serve as a basis for the negotiation of the future peace, the Court of London shall in no circumstances take advantage of it, the said proposition made in confidence to the

King of Great Britain having no other object than the accelerating of a negotiation in which the two Crowns are so much interested,

The *Uti Possidetis* expressed in the declaration of the 26th March, is adopted on both sides; it would be difficult for either party to reject it; for though it was not expressed, it is properly according to what they possess only either lawfully or by conquest, that the parties can negotiate together concerning peace, and the compensations requisite for that purpose.

The periods of the *Statu Quo*, which form the second essential article in the declaration of the 26th March, and which have remained in negotiation between the two Courts, have not yet been settled. The Court of France has proposed the epochs of May, July and September; that of England has proposed the epochs of July, September and November. That question will be determined without farther negotiation, if the scheme of the following treaty is adopted by the Court of London, for then all the epochs will be valid, as that of the peace will unite the sentiments and opinions of the two Kings.

It is the compensations therefore which will determine the epochs and the peace, and it is to settle them that his Majesty proposes the following articles to the King of Great Britain.

Article I. The King cedes and guaranties Canada to the King of England, such as it has been and in right ought to be possessed by France, without restriction, and without the liberty of returning upon any pretence whatsoever against this cession and guaranty, and without interrupting the crown of England in the entire possession of Canada.

II. The King, in making over his full right of sovereignty over Canada to the King of England, annexes the following conditions to the cession. First, that the free exercise of the Roman Catholic religion shall be maintained there, and that the King of England will give the most precise and effectual orders that his new Roman Catholic subjects may, as heretofore, make public profession of their religion, according to the rites of the Roman Church.

Secondly



Secondly, that the French inhabitants or others, who have been subjects of the King in Canada, may retire into the French colonies with all possible freedom and security; that they may be allowed to sell their effects, and to transport their property as well as their persons, without being restrained in their emigration, on any pretence whatever (except for debt;) and the English government shall engage to procure them the means of transportation at as little expence as possible.

Thirdly, that the limits of Canada, with regard to Louisiana, shall be clearly and firmly established, as well as those of Louisiana and Virginia, in such manner, that after the execution of peace, there may be no more difficulties between the two nations, with respect to the construction of the limits with regard to Louisiana, whether with respect to Canada, or the other possessions of England.

N. B. M. Buffy has a memorial on the subject of the limits of Louisiana, which gives him power to come to a final treaty on that article with the Ministry of his Britannic Majesty.

Fourthly, that the liberty of fishing, and of drying their cod-fish on the banks of Newfoundland, may be confirmed to the French as heretofore: and as this confirmation would be illusory, if the French vessels had not a shelter in those parts appertaining to their nation, the King of Great Britain, in consideration of the guaranty of his new conquests, shall restore Islé Royal, or Cape Breton, to be enjoyed by France in entire sovereignty. It is agreed, to ex a value on this restitution, that France shall not, under any denomination whatever, erect any fortifications on the island, and shall confine herself to maintain civil establishments there, and the port for the convenience of the fishing vessels landing there.

III. France shall restore to England the island of Minorca, and Fort St. Philip, in the same condition it was in when it was conquered by the King's forces, together with the artillery belonging to England, which was in the fort at the time of taking the island.

IV. In consideration of this restitution, England, in her turn, shall restore to France the island of Guadaloupe and

Marigalante; and those two islands shall be ceded in the same condition they were in at the time they were conquered by the arms of England.

V. The islands called neuter, are Dominica, Saint Vincent, Saint Lucia, and Tabago. The two first are occupied by the Caribbees, under the protection of France, according to the treaty of 1660: they shall remain in the condition they have been since that treaty.

The Crown of England has not yet shewn any title, which gives them a right over the two last; nevertheless, it shall be a matter of negotiation between the two crowns, either that the four islands shall remain absolutely neuter, or that the two possessed by the Caribbees alone shall be declared neuter; and that England shall enter into possession, as sovereign, over the island of Tabago, in the same manner as France over that of St. Lucia, saving, at all times, the right of a third person, with whom the two crowns will explain themselves, if such a right exists.

VI. It would be advantageous for the companies of the two nations in the East-Indies, to abstain for ever from all military views and conquests, to restrain themselves, and mutually to assist each other in the business of commerce which more properly belongs to them. The precise situation in which the two nations stand, is not known to France: wherefore the King, in order to confine himself in that respect, to the object most useful, both for the present and hereafter, to the two companies, proposes to the King of England the treaty concluded between the Sieurs Godeheu and Saunders, as a basis for the re-establishment of the peace of Asia.

VII. The colonies of South America, in possession of the French, necessarily require negroes to cultivate them; the French settlements of Senegal and Goree supplied the wants of the French colonies in this respect. England, in keeping those settlements, would prejudice France without procuring any positive advantages for herself; and the union which the two Sovereigns so sincerely wish to establish between the two Crowns, leaves no room to suppose that the Court of London has any such intentions of mischief. Nevertheless, France, with a view to the blessings of peace, offers England the choice of the possession

of Senegal or Goree, meaning that one or the other possession shall be restored and guarantied to the King by his Britannic Majesty.

VIII. The Island of Belle-Isle and the fortress conquered by the arms of England shall be restored to France, together with the artillery therein at the time of the conquest.

IX. In consideration of the 8th Article to be granted by England, the King will cause his forces in Germany to evacuate the Landgraviate of Hesse, the county of Hanau, as well as the town, which shall not be occupied by the troops of either power, leaving the navigation of the Maine free, and those parts of the Electorate of Hanover occupied by the French troops; and these evacuations shall be preceded by a suspension of arms between the two Crowns, which suspension of arms shall take place from the day of the ratification of the preliminaries, or the article of the definitive treaty, not only in Germany, but in all parts of the world where France and England are at war.

X. As the King is under an engagement with the Empress Queen, to stipulate nothing in his treaty of peace with England which may be disadvantageous to her Imperial Majesty, and as it was foreseen that, in case of a suspension between the French and British forces, the German troops in the pay of England might join those of the King of Prussia against the Austrian armies, the King, faithful to his engagements with his allies, and very far from intending to settle any thing to her prejudice, proposes to the King of England, that it may be agreed between them, that his Britannic Majesty will undertake that no part of the forces which compose Prince Ferdinand's army, shall, under any pretence whatever, or under any denomination, join the army of his Prussian Majesty, or act offensively against the Empress Queen or her allies; and in like manner, no French forces, under any pretence, shall join the Imperial army, or serve against the allies of Great Britain. To ascertain these positions, it shall be farther concluded, that after these evacuations, the army of the Upper Rhine, commanded by Marshal Broglio, shall retire towards the Maine, the Necker and the



the Rhine, occupying Francfort; and that of the Lower Rhine commanded by Marshal Soubise, shall on the other side, retired towards the Rhine, occupying Wesel and Guelders.

The countries belonging to the King of Prussia, on the Lower Rhine; have been conquered, and are actually governed in the name of the Empress Queen: the King would not undertake to evacuate them without the consent of her Imperial Majesty, and before the success of the negotiations at the Congress at Augsbourg, which is to restore peace between the Empress and the King of Prussia; but as it would be disadvantageous to the two Crowns to maintain a considerable body of national forces in Germany, which, in time of peace, would remain in absolute inactivity, and, by the conventions of the treaty, would become useless in every respect to the allies of France and England, the King undertakes, that, from the time that his Britannic Majesty do recall the English whom he has sent to his army in Germany, he will cause double the number of French forces in his Majesty's armies on the Upper and Lower Rhine to return to France, so that no French troops shall continue in those parts, but in proportion to those which the King of England shall keep in pay.

XI. If before the execution of the treaty, one of the two powers should make any conquests, in whatever part of the world it be, they shall be restored without hesitation, and without requiring any recompence.

XII. The captures made at sea by England before the declaration of the war, are objects of legal restitution, and which the King will willingly submit to the justice of the King of England and the English tribunals; in fact, subjects, who under the faith of treaties, the law of nations, and in time of peace, follow their trade and navigation, cannot with justice become sufferers by the misunderstandings subsisting in the cabinets of the two Courts, before they have any intimation of it. Declarations of war are established by the law of nations, for no other purpose, but to make public to the people the contests between their Sovereigns, and to give them warning, that their persons and fortunes are in danger from an enemy.

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Unless such declaration is agreed upon, there can be no public security; every individual would be in danger, or in fear, every moment that he stepped beyond the limits of his own country. If these principles are incontestible, nothing remains but to examine the date of the declaration of war, between the two Crowns, and the date of the captures; all that has been taken prior to the declaration, cannot be adjudged lawful prize, without overthrowing the most salutary laws; it will be in vain to alledge that the French began hostilities, and that the captures were taken by way of reprisal. What connection can there be between supposed hostilities offered at Fort Duquesne, and the capture of trading vessels in the south part of America? These hostilities are the motives for the declaration of war; but the effects of that declaration cannot take place, till after the said declaration is made public; and it would be unjust to make individuals sustain a loss, who are totally ignorant of the facts and circumstances of a latent hostility in a corner of the world, which has occasioned a general war between the two nations.

This argument is deemed unanswerable in France; and it is on this footing that the King challenges the right of nations, to the end that some expedient may be agreed upon in the future treaty as a recompense for the captures made upon his subjects previous to the declaration of war, without entering into any discussion about reprisals, which should be forgotten when the two Courts draw near to an agreement. France consults nothing but the interest of the individuals who have been sufferers, and does not pretend to include the King's ships taken before the declaration in the settlement of the captures, as the loss of the King's ships may be considered as a consequence of the motives of the war.

XIII. Though, during the course of the present war, the article of former treaties which guaranty the succession to the Throne of Great Britain, according to the present establishment, has not been infringed, nevertheless the King is well disposed to comprize that guaranty in the future treaty, if the King of England desires it.

XIV. The prisoners made on each side, as well by sea as land, shall be set at liberty, and sent home without ransom, immediately on the ratification of the peace.

His Britannic Majesty will readily perceive, that these articles are not drawn in the form of a treaty; they are only offered to him as articles explained in their full extent, which elucidate the sentiments of France, and put the two Crowns in a condition to treat upon certain and distinct objects.

This memorial was sent to London on the 15th of July. The date is mentioned, because the British Ministry reproached the French Ministry with having delayed the dispatch of the memorial; and it is proper to observe, that the last answer from England did not reach France till the 1st of July; that there was a necessity of having several conferences with Mr. Stanley, to form the scheme of a treaty, which comprehended the precise discussion of objects in every part of the world where the two Crowns are at war, and which was to produce the re-establishment of peace, or the continuance of the war. The reproach of a delay of fifteen days, upon so interesting a business, was certainly an instance of injustice.

However that point be settled, it is submitted to the discernment and justice of all Europe to determine, whether the memorial of France of the 15th July did not confirm the principles of reconciliation, which had hitherto appeared in every step taken by that Crown. The Court of France acted with such integrity, in the confidence she reposed in the pacific disposition of England, that having sacrificed considerable interests, she carried her forecast so far, as to intimate to the Court of London her apprehensions lest the matters which remained to be discussed between Spain and England, and which were not yet adjusted, should in the end prove an obstacle to the duration and solidity of the peace which the King and his Britannic Majesty were desirous of re-establishing between them.

In consequence of these apprehensions, M. Bussy had orders to remind the Court of London, with respect to the subject of the neutral Islands, specified in the 20th article of the memorial, that his Catholic Majesty made some claims upon those Islands, with which the Court of Madrid had recently made that of Versailles acquainted. The French Minister was charged at the same time to represent to Mr. Pitt, how dangerous it would be to deter-



mine the fate of those Islands, without paying regard to the claims of his Catholic Majesty. M. Bussy was ordered to add, that it was evident that the Court of Spain would agree to the settlement which should be made between France and England, in relation to the four Islands in question, provided that the three articles negotiated at London on the part of the Court of Madrid, were adjusted at the same time that the peace with France should be concluded there; and to testify a sincerity as laudable as it was perfect, M. Bussy was charged to annex to the memorial of propositions, the particular memorial which follows relative to Spain.

*The private Memorial of France, of 15th July, 1761,  
relating to Spain.*

**A**S it is essential, and agreeable to the desire of France and England, that the projected treaty of peace should serve as a basis for a solid reconciliation between the two Crowns, which may not be liable to be interrupted by the interests of a third power, and the engagements which either one or the other may have entered into previous to their reconciliation, he proposes that the King of Spain shall be invited to guaranty the future treaty of peace between his Majesty and the King of Great Britain. This guaranty will obviate all present and future inconveniences with regard to the solidity of the peace.

The King will not disguise from his Majesty, that the differences of Spain with England fill him with apprehensions, and give him room to fear, that, if they are not adjusted, they will occasion a fresh war in Europe and America. The King of Spain has communicated to his Majesty the three articles which remain to be discussed between his Crown and the Crown of Britain: which are,

1. The restitution of some captures which have been made during the present war upon the Spanish Flag.
2. The privilege for the Spanish nation to fish upon the Banks of Newfoundland.
3. The demolition of the English settlements made upon the Spanish territories in the Bay of Honduras.

These

These three articles may be easily adjusted agreeable to the equity of the two nations; and the King earnestly wishes, that some accommodations may be thought on, to the satisfaction of the Spanish and English nations, with regard to these articles; but he cannot disguise from England the danger he apprehends, and of which he must necessarily partake, if these objects, which seem nearly to concern his Catholic Majesty, should be the occasion of a war. His Majesty, therefore, deems it a principal point of consideration in concluding a firm and advantageous peace, that, at the same time that that desirable point shall be concluded between France and England, his Britannic Majesty should terminate his differences with Spain, and agree to invite his Catholic Majesty to guaranty the treaty which is to reconcile (pray Heaven for ever) his Majesty and the King of England.

As to what remains, his Majesty does not intimate his apprehension in this respect to the Court of London, but with the most sincere and upright intentions to obviate every impediment which may arise hereafter to disturb the union of the French and English nations; and he desires his Britannic Majesty, whom he supposes influenced by the same good wishes, freely to communicate his sentiments on so essential an object.

The precaution of France to ensure the solidity of the peace, comprized every object which could conduce to that end. The succours which his Majesty and the King of England afforded their allies in Germany, left a source of war still subsisting, and an expence detrimental to both nations. The King judged, that the most natural means to put an end to the disputes which the succours to be afforded their respective allies might produce, would be to come to an agreement between France and England, that France, on her part, should not yield any kind of succour to the Empress-Queen, and in like manner, that England should be bound not to furnish any assistance to the King of Prussia. It would have been a violation of good faith to have stipulated this withdrawing of all succour, without the consent of the allies. The King required the consent of the Empress-Queen, and obtained it early enough, for

M. Bussy

M. Buffy to transmit the following note to the British Minister relative to that object, at the same time that he gave him the Memorial of the French propositions, and that which related to Spain.

*M. Buffy's Note to Mr. Pitt.*

SINCE the memorial of the propositions from France was formed, and at the instant that the courier was ready to set out for London, the King received the consent of the Empress Queen to a separate peace with England, but upon two conditions :

1. To keep possession of the countries belonging to the King of Prussia.

2. That it shall be stipulated, that the King of Great Britain, neither in his capacity of King or Elector, shall afford any succour, either in troops, or of any kind whatever, to the King of Prussia ; and that his Britannic Majesty will undertake that the Hanoverian, Hessian, Brunswickian, and the other Auxiliaries in alliance with Hanover, shall not join the forces of the King of Prussia, in like manner as France shall engage, on her part, not to yield succour of any kind to the Empress Queen, nor her allies.

Both these conditions appear so natural and equitable in themselves, that his Majesty could not do otherwise than acquiesce in them, and he hopes that the King of Great Britain will be ready to adopt them.

Upon reading these vouchers with attention, it may be observed, that the memorial containing the propositions, clearly explains the means of reconciling France and England with respect to their particular interests : and that the note, No. XIX. removes all obstacles which the succours to be given to the allies in Germany might throw in the way of a reconciliation between the two Crowns. In fact, what could be more just and advantageous both to France and England, in the circumstances in which they stood, than wholly and absolutely to withdraw from the war in Germany. Lastly, in order to prevent the flames of war from breaking out afresh in Europe, which the complaints



complaints of Spain might re-ignite, and in which France, sooner or later, would have been forced to have taken part; nothing could be deemed more discreet than the proposition contained in the memorial, No. XVIII. more especially as that proposition was the natural result of the good offices which his Catholic Majesty had offered to the Crown, the preceding years, in order to mediate peace between them, which kind offices had been accepted on the part of France by an authentic declaration, which had not then been opposed by England.

M. Buffy laid these several pieces before Mr. Pitt on the 23<sup>d</sup> of July. They had been previously communicated to Mr. Stanley, to the end that that Minister might transmit a circumstantial account of them to his court, and that the English Minister might be apprized of the objects included in the dispatch, and might be able to confer with M. Buffy thereupon without loss of time. The King had even transmitted very minute instructions to his Minister at London, which contained fresh expedients for reconciling the differences of France with England, in relation to the respective possessions of the two Crowns in America, Africa, and Asia. His Majesty had foreseen that the taking of Pondicherry, of which an account came but a few days before, might occasion some alteration which it might be necessary to obviate by fresh sacrifices, if such should be deemed expedient; but the English Minister, in the conference at which the pieces were laid before him, discovered his personal opposition to peace; he refused to agree to any of the articles in the memorial of propositions; he entered very little into the particular motives of his opposition; he expatiated with some warmth on the memorial which related to Spain; rejected the note which concerned the allies in Germany with disdain; and concluded with saying, That he would take the directions of the King his Master, with respect to those two last pieces, and that he would transmit to Mr. Stanley the answer of his Britannic Majesty to the propositions of France. In consequence of this, Mr. Pitt, having returned M. Buffy the memorials concerning Spain and Germany, wrote a letter to him on the 24<sup>th</sup> of July, conceived in the following terms.

Mr

*Mr. Pitt's Letter to M. Bufff, 24th July 1761.*

S I R,

**H**AVING explained myself, in our conference yesterday, with respect to certain engagements of France with Spain, relative to the disputes of the latter Crown with Great Britain, of which your court never informed us, but at the very instant of making, as she has done, her first propositions for the separate peace of the two Crowns; and as you have desired, for the sake of greater punctuality, to take a note of what passed between us upon so weighty a subject, I here repeat, Sir, by his Majesty's order, the same declaration, word for word, which I made to you yesterday, and again anticipate you with respect to the most sincere sentiments of friendship and real regard on the part of his Majesty towards the Catholic King, in every particular consistent with reason and justice. It is my duty to declare farther to you in plain terms, in the name of his Majesty, That he will not suffer the disputes with Spain to be blended, in any manner whatever, in the negotiation of peace between the two Crowns; to which I must add, That it will be considered as an affront to his Majesty's dignity, and as a thing incompatible with the sincerity of the negotiation, to make farther mention of such a circumstance.

Moreover, it is expected that France will not, at any time, presume a right of intermeddling in such disputes between Great Britain and Spain.

These considerations, so just and indispensable, have determined his Majesty to order me to return you the memorial which occasions this, as wholly inadmissible.

I likewise return you, Sir, as totally inadmissible, the memorial relative to the King of Prussia, as implying an attempt upon the Honour of Great Britain, and the fidelity with which his Majesty will always fulfil his engagements with his allies.

I have the honour to be, &c.

Signed P I T T.

The style of this letter, and the manner of returning the memorials, do not bear the marks of that conciliating temper,

temper, by which the Court of England would hitherto have been thought to have been influenced.

The answers to the Memorial of the French propositions, which were remitted to Versailles on the 29th July, are extremely analogous with Mr. Pitt's Letter; they are dictated with an air of haughtiness and despotism, which might have shocked a Court of less consequence than that of France. The follow word for word.

*The Answer of the British Court to the Memorial of French Propositions. 29th July, 1761.*

A Paper of Articles to be delivered to Mr. Stanley, as the definitive propositions from the Court of Great Britain.

1. **H**IS Britannic Majesty will never recede from the entire and total cession on the part of France, without any new limits, or any exception whatever, of all Canada and its appurtenances; and his Majesty will never relax, with regard to the full and compleat cession on the part of France, of the Isle of Cape Breton, and of all the other Islands in the Gulph or in the River of St. Lawrence, with the right of fishing, which is inseparably incident to the possession of the aforesaid Coasts, and of the Capals or Streights which lead to them.

2. With respect to fixing the limits of Louisiana, with regard to Canada, or the English Possessions situate on the Ohio, as also on the Coast of Virginia, it can never be allowed that whatever does not belong to Canada shall appertain to Louisiana, nor that the boundaries of the last Province should extend to Virginia, or to the British possessions on the borders of the Ohio; the nations and countries which lie intermediate, and which form the true barrier between the aforesaid province, not being proper, on any account, to be directly or by necessary consequence ceded to France, even admitting them to be included in the limits of Louisiana.

3. Senegal, with all its Rights and Dependancies upon the River which bears its name, shall be ceded to Great Britain in the most full and ample manner; as also the Island of Goree, so essentially connected with Senegal.

4. Dunkirk

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Vol. I.



4. Dunkirk shall be reduced to the condition in which it ought to have been after the Treaty of Utrecht, without which no peace can be concluded; and upon that condition only can his Majesty ever consent to enter on the consideration of the demand which France has made, viz. The restitution of the privilege granted by the thirteenth article of the said treaty, with certain limitations and under certain restrictions, for the subjects of France to fish and dry their fish on part of the Banks of Newfoundland.

5. Though the titles by which the Kingdom of Great Britain has, on many occasions, maintained its right to the Islands of St. Lucia and Tabago, have never yet been refused; and though his Majesty by force of arms has acquired possession of St. Dominica, and of the French Colony established before the commencement of the war; nevertheless his Majesty, from that principle of moderation, which is so becoming to Kings, will consent to an equal partition of the four Islands, commonly called the Neutral Islands, which partition shall be regulated in the ensuing treaty.

6. The Island of Minorca shall be immediately restored in the condition it was at the time of its being taken, together with the artillery, &c. appertaining to that island.

7. France shall immediately restore and evacuate the conquests she has made over his Majesty's Allies in Germany; that is to say, of all the States and Countries appertaining to the Landgrave of Hesse, to the Duke of Brunswick, and to the Electorate of Hanover, as also of Wesel, and of all the places and territories belonging to the King of Prussia, in possession of the arms of France. In a word, France shall make a general evacuation of all her conquests, on the side of Hesse, Westphalia, and its countries.

8. The King of Great Britain on his part, agrees to surrender to his Most Christian Majesty, 1. The important conquest of Belle-Isle. 2. His Majesty likewise consents to surrender to the Most Christian King the opulent Island of Guadaloupe, with that of Marigalante.

9. The Treaty concluded between Messrs. Saunders and Pödeheu, cannot be admitted as the basis of the re-establishment of the peace in Asia, because that provisional

treaty has had no consequences, and because those provisions are by no means applicable to the present state of affairs in the Indies, by the final reduction of the possessions and settlements of the French company in the East Indies; but as the perfect and final settlement with regard to that country can only be made in conformity to certain rights absolutely appertaining to the English company, and as the King cannot justly dispose of their rights without their consent, it must necessarily be left to the Companies of the two nations to adjust the terms of accommodation and reconciliation, according to those rules of reason and justice, which the state and circumstances of their affairs may require, and mutually point out; provided nevertheless, that those conditions are not repugnant to the designs and equitable intentions of their Sovereigns for the peace and reconciliation of the two Crowns.

10. The demand of the restitution of the captures at sea before the declaration of war cannot be admitted; such a claim not being founded on any particular convention, and by no means resulting from the law of nations, as there is no principle more contestible than this, viz. that the absolute right of all hostile operations does not result from a formal declaration of war, but from the hostilities which the aggressor has first offered.

11. As the indispensable care which is due from his Majesty to his people, and the just and invincible motives which concern the preservation and security of his kingdoms, authorized by the most formal stipulations of solemn treaties (viz. those of Radstadt, and the Barriere) and even by the express and irrevocable conditions of the cession of the Low Countries, will not allow France to retain possession of Ostend and Newport, the two places aforesaid shall be evacuated, without delay, by the French garrisons; it is for this reason declared, that the restitutions spoken of in the preceding Articles of this Memorial, and particularly the convention which is to be framed and regulated with respect to the Indies, cannot take place till the aforesaid evacuation of Ostend and Newport shall be faithfully executed.

12. The cessation of arms between the two crowns shall be fixed and take place on the day of the ratification of the

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preliminaries, or of the definitive treaty, and all the Articles relative to the cessation of hostilities, shall be settled and take place, according to common usage in such cases, and as the circumstances in different parts of the world shall require.

13. His Majesty having, from the first overtures made on the part of France, declared, that in case the separate peace between the two crowns should be concluded, his Majesty would continue, as an auxiliary, faithfully to assist the King of Prussia, with efficacy and good faith, in order to accomplish the salutary purpose of a general pacification in Germany; it shall be free to Great Britain and France, to support, as Auxiliaries, their respective Allies, in their particular contests for the recovery of Silesia, pursuant to the respective engagements which those Crowns have entered into.

14. The prisoners taken on one side and the other, both by sea and land, shall be released in the usual manner, saving the terms which may exist by virtue of some cartel or some convention, which may have relation to this particular.

These Articles are not digested into the form, nor in the detail of Articles of peace; but it is hoped that, with regard to essential points, this Memorial has that precision and perspicuity which leaves nothing doubtful, and which evidently demonstrates the sincerity and perseverance of his Majesty's disposition, with respect to his intentions and resolutions for the accomplishment of so great a blessing as that of an entire peace between the two crowns.

The first article of this sketch entirely deprived the French of the liberty of fishing for cod; and the demolition of Dunkirk required in the 4th article, only restored his liberty in part, with certain limitations, and under certain restrictions, which were not explained.

From the second article, one might infer that England intended, not only to keep an exclusive possession of all Canada, but also to make herself mistress of all the Neutral countries between Canada and Louisiana, to be nearer at hand in order to invade the last Colony when she shall think proper.



The third Article confirmed the entire possession of the African Coast in favour of the English, and deprived the French of all Settlement in that part for the Negro trade.

The ninth entirely annihilated the French East India Company,

The seventh and thirteenth did not appear conclusive. In fact, by the first, England proposed that France should evacuate Germany, and in the second she agreed, that the two Crowns should support their Allies in that part of Europe.

These Answers, and all those which England has made in the course of the negociation, evidently manifest that the Court of London is averse to all reconciliation.

The Articles which declare the Advantages which England would secure, are clear, decisive, and even dictatorial; those which concern the interests of France, are obscure, subject to various constructions, and leave a train of discussions, which, by leaving the source of the war still subsisting, would still have redounded to the prejudice of France, if she had agreed to admit the claims of England.

These reflections did not escape his Majesty's penetration. Nevertheless his Majesty unwilling to take upon himself the rupture of a Negociation, which, on his part, proposed the welfare of mankind, he ordered a reply to be made to the Answer from England, Article by Article, in the following Memorial, in the form of an *Ultimatum*.

*Ultimatum of France in reply to that of England, of 5th August, 1761.*

Ultimatum of the Court of France, as a Reply to the Ultimatum of the Court of England, remitted to the Duc de Choiseul by Mr. Stanley.

THE King renews the Declaration which he made to his Britannick Majesty, to the Memorial of Propositions for Peace, which has been transmitted to M. Stanley, and to which the Court of England has given no Answer, either by word of mouth or in writing: his Majesty again declares, that if the Negotiation entered into at Paris and at London, for the re-establishment of Peace between the two Crowns, has not the desired success, all the

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Articles agreed to that Negotiation by France, cannot be represented, on any occasion, as settled points, any more than the Memorial of the month of March last, relative to the *Uti Possidetis*.

1. The King consents to cede Canada to England in the most extensive manner, as specified in the Memorial of Propositions; but his Majesty will not recede from the Conditions he has annexed to the same Memorial relative to the Catholic Religion, and to the power, facility, and liberty of emigration for the ancient subjects of the King. With regard to the Fishery in the Gulph of St. Laurence, the King means to maintain the immemorial right which his subjects have of fishing in the said Gulph, and of drying their fish on the Banks of Newfoundland, as it was agreed by the Treaty of Utrecht. As this Privilege would be granted in vain, if the French vessels had not some shelter appertaining to France in the Gulph, his Majesty proposed to the King of Great Britain, the restitution of the Island of Cape Briton; he again proposes, either that Island, or St. John, or such other Port, without Fortification, in the Gulph, or within reach of the Gulph, which may serve the French as a shelter, and secure to France the liberty of fishing, from whence his Majesty has no intention to recede.

2. The King has in no part of his Memorial of Propositions, affirmed that all which did not belong to Canada, appertained to Louisiana; it is even difficult to conceive such an assertion could be advanced. France, on the contrary, demands that the intermediate Nations between Canada and Louisiana, as also between Virginia and Louisiana, shall be considered as neutral Nations, independant of the Sovereignty of the two Crowns, and serve as a barrier between them. If the English Minister would have attended to the Instructions of M. Buffi on this subject, he would have seen that France agreed with England as to this proposition.

3. No Answer has been given by England to the plain argument, That if Senegal cannot be enjoyed in security without Goree, England will make no great sacrifice, in keeping Goree, and restoring Senegal to France. Upon this Article, Mr. Stanley has acquainted the D. de Choiseul,

feut, that some expedients may be agreed on between the two Crowns : In consequence of which, his Majesty, out of regard to the blessing of peace, has authorized M. Bussy to treat concerning these expedients with the British Ministry.

4. The Court of London, when they mean to secure, in pursuance of his Majesty's consent, the conquests they pretend to maintain, readily rely on the Memorial of *Uti Possidetis* ; but they take no notice of that Memorial when they advance claims at the expence of France. It cannot be denied but that the State of the Town of Dukirk is not included in the *Uti Possidetis*.

According to the Treaty of Utrecht, the Demolition of Dunkirk was not assented to, as a compensation for the liberty of drying Codfish on the Banks of Newfoundland : it is the Cession of Newfoundland, on the part of France, which is the ground of that Compensation : but the King, to testify to all Europe, his sincere desire of peace, and to remove all obstacles which the Enemies to Peace may throw in the way, authorizes his Minister at London to negotiate concerning the state of Dunkirk, so soon as a convenient port shall be agreed upon in the Gulf of St. Lawrence, or within reach of the Gulf, which shall be ceded to France, to serve as a shelter for her fishing vessels.

5. France has refuted the title of England to the Azores, which are pretended to be neutral : His Majesty nevertheless, from a principle of moderation, accepts of the partition of the said Islands ; but such partition cannot take place but in the form specified in the first Memorial of the French propositions.

6. It seems as if England, by her propositions, offered the Island of Belleisle as a compensation for the Island of Minorca : As France does not allow the importance of the conquest of Belleisle, the two Courts will retain their several opinions ; England shall maintain her conquest, and France shall keep Minorca.

7. France is willing to evacuate, in consideration of the restitution to be made by England of the Island of Guadeloupe and Marigalante, the countries belonging to the Landgrave of Hesse, to the Duke of Brunswic, and to the Electorate of Hanover, which are or shall be occupied



his Majesty's forces, and of which the conquest is connected with the British War, since the rupture of the capitulation of Closter Seven, and which may be separated from the War of the Empress-Queen with the King of Prussia.

But as to what concerns Wesel, Gueldres, and other countries in Westphalia, belonging to the King of Prussia, which are actually in possession of the Empress-Queen, and where justice is administered in the Name of her Imperial Majesty, the King cannot stipulate to surrender the Conquests of his Allies; and such an evacuation, neither in fact nor by right, can take place, without the consent of the Empress-Queen, at the Congress of Augsburg; that Congress being to assemble, in order to terminate the differences which have arisen in the Empire, and particularly those which have occasioned the War between her Imperial Majesty and the King of Prussia.

8. The King accepts on these Conditions; and in consideration of the Cessions made by France, in North America and Africa, as well as in regard to the settlement of Dunkirk, the restitution of the Island of Guadaloupe and of Marigalante.

9. The French East-India Company have fulfilled the conditions of the Treaty made between Mess. Godeheu and Saunders: That of England has not observed the same punctuality. However that may be, the King is willing to acquiesce in the 9th Article of the *Ultimatum* of England, in relation to Asia.

10. The King persists, with regard to the Captures made before the War, in the contents of the 12th Article of the first Propositions. M. Buffly is authorized to deliver a Memorial expressly on this subject; and every one is persuaded in France, that this Object neither can nor ought to break off the Negotiation between the two Crowns.

11. The Empress-Queen enjoys full Sovereignty in the towns of Ostend and Neuport; the King has only lent his forces to his Ally, to secure those places. England has no right to impose laws upon the King and the Empress, contrary to the will of the King and of her Imperial Majesty, who do not in the least violate the Treaties of the House

House of Austria with the States General. As to what remains, his Majesty readily declares, that his intention never was to keep possession of the said places after the establishment of peace.

12. The 12th Article of the *Ultimatum* of England does not seem liable to any difficulties, while the terms of the intended Suspension shall be observed and maintained with sincerity.

13. In Answer to the Declaration made by Mr. Stanley, that in case of a separate Peace between France and England, his Britannic Majesty would constantly continue, in the capacity of an Auxiliary, to aid his Ally the King of Prussia with all his power, and with the utmost integrity, in order to accomplish the happy issue of the War, and the pacification of Germany, the D. de Choiseul, in the name of the King, his Master, has declared to Mr. Stanley, that his Majesty, with the same view to the general pacification, will also support his faithful Allies with all his forces, and to the utmost of his power; and will take every precaution which his approved sincerity and integrity shall suggest to him, in order to prevent the separate peace of France with England, from being prejudicial to them.

It is in consequence of these sentiments, that the King, with the consent of his Allies, is willing to stipulate, that he will grant no succour of any kind to his Allies for the continuance of their War against the King of Prussia: but his Majesty neither can nor will enter into such an engagement, unless his Britannic Majesty will enter into the like agreement with respect to the King of Prussia.

The Proposition of leaving France at liberty to send forces into Silesia, is unfavourable, from particular circumstances, to the interests of the Empress, and consequently inadmissible.

The King, therefore, persists in the Propositions contained in the 10th Article of his first Memorial. All that can be negotiated with respect to these points, must be the liberty of affording succours in money to the respective Allies, so soon as it shall be positively ascertained that no power shall be at liberty to furnish them any supplies of men, or warlike stores, under any denomination whatever.

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14. The King accepts the 14th article of the *Ultimatum* of England.

It is hoped that the Court of Great Britain, will allow the precision of the answers to their *Ultimatum*, as well as the readiness with which the King endeavours, even to his prejudice, to use all means to bring about a reconciliation with the King of Great Britain.

M. Buffy, on presenting his *Ultimatum*, accompanied it with the following letter, in answer to that of Mr. Pitt, of the 24th of July.

*Mr. Buffy's Letter to Mr. Pitt, 5th August, 1761.*

S I R,

I Have acquainted my Court with the letter of the 24th of last month, with which your Excellency honoured me, on returning the memorial I laid before you, in relation to the interests of the Court of Spain with respect to England, and the note which I thought it my duty to communicate, with regard to the intention of the King my Master, concerning the necessary steps to put a stop to hostilities in Germany.

The King, Sir, orders me to acquaint your Excellency, that as to what relates to the interest of the Catholic King, his Majesty's precaution expressed in the memorial which he remitted to you, is in consequence of that sincerity which he professes constantly to adopt in the course of all his negotiations. The memorial which your Excellency has returned me, neither contains any menaces, nor any offer of mediation. No other sentiment can be inferred from it than that of the sincere desire which his Majesty entertains, that the projected peace between France and England, may be firm and durable. Moreover, the King refers himself to his Catholic Majesty concerning the manner in which this memorial was received and remitted; that his Majesty has charged me to declare to your Excellency, that so long as Spain shall approve of it, his Majesty will interfere with the interests of that Crown, without desisting on account of a repulse from the power who proposes his good offices.

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With respect to the matter of the note, likewise returned by your Excellency, and which relates to the two necessary conditions of the proposed expedient for evacuating the countries subdued by his Majesty's arms, his Majesty explains himself fully on that article in the *Ultimatum*, in answer to that of the Court of London. His Majesty has ordered me to declare further to you in writing, that he will rather sacrifice the power which God has given him, than conclude any thing with his enemies, which may be contrary to the engagements he has contracted, and that good faith in which he glories. If England will undertake to yield no succour to the King of Prussia, the King will engage, on the other hand, to afford none to his allies in Germany. But his Majesty will not adopt the liberty of succouring his allies with a supply of men, because he is sensible of the disadvantage which the present situation of the armies might occasion to the Empress Queen. His Majesty may stipulate not to act for the benefit of his allies, but he neither can or will consent to any condition which may be detrimental to them.

It remains for me to observe to your Excellency, how greatly my court was astonished, as well at the stile of the letter you wrote to me, as at the *Ultimatum* of England. This stile, which is so little conformable to the propositions of France, betrays the aversion of the Court of London to peace. The King, who is very far from insisting on forms, when the happiness of Europe is at stake, has used every endeavour, in the answer to the *Ultimatum*, which, without injury to the honour of his Crown, were judged most effectual to recall the British Court to sentiments of pacification: your Excellency will judge, from the *Ultimatum* of France, that I am ordered to acquaint you with what facility the King, forgetting the imperative stile, so unfit for negotiation, which England makes use of in her answers, enters into the views of the British Court, and endeavours, by the sacrifices he makes, to engage them to adopt the stipulations of a reasonable peace.

If your Excellency is desirous of having a conference with me on the subject of the *Ultimatum*, I will attend your commands, and I shall be very earnest to testify the disposition

disposition of my Court, to make a happy issue of the negotiation on foot, as also the peculiar regard with which, &c.

Signed De B U S S Y.

At length, as the British Ministry had seemed to resent the memorial relative to Spain, his Catholic Majesty authorized his Ambassador at London, the Count of Fuentes, to remit the following note to Mr. Pitt, which is the interpretation of the memorial.

*Note of the Spanish Ambassador to Mr. Pitt.*

THE most Christian King, who wishes to make the peace, concerning which he proposed to treat with England, at once effectual and durable, entrusted his intentions with the King my Master, expressing the pleasure with which he embraced that opportunity of acknowledging his sense of the reiterated offers which his Catholic Majesty had made both to him and England, in order to facilitate a just and lasting reconciliation.

It is from these principles of sincerity that the most Christian King proposed to the King my Master the guaranty of the treaty of peace, as a measure which might be equally convenient to France and England, and at the same time assured him of his sincere intentions with respect to the sacrifices he proposed to make, in order to restore tranquility to Europe, by an honourable and lasting peace.

Such a proceeding of his most Christian Majesty could not but be highly acceptable to the King my Master, who found it agreeable to his own sentiments, and to his desire of fulfilling on his part, with the most distinguished conformity, all the connections which unite them both by ties of blood and their mutual interest; and moreover, he perceived in the disposition of the King of France, that magnanimity and humanity which are natural to him, by his endeavours, on his side, to render the peace as permanent as the vicissitudes of human affairs will admit of.

It is with the same candor and sincerity that the King my Master expressed in confidence to the most Christian King, that he wished his Britannic Majesty had not made  
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a difficulty of settling the guaranty, on account of the grievances of Spain with England, as he has all the reason to conclude that his Britannic Majesty has the same good intentions to terminate them amicably, according to reason and justice.

The confidence which the King my Master reposed in France, gave that Court room to testify to his Britannic Majesty the sincerity of their intentions for the re-establishment of peace, since, by proposing the guaranty of Spain, they expressed their sincere desire of seeing the interests of Spain settled at the same time, which might one day rekindle the flames of a new war, which at present they wish to extinguish.

If the intentions of the most Christian King and the King my Master did not seem fraught with sincerity, the King my Master flatters himself, that his Britannic Majesty will do him the justice to consider his in that light, since, if they were founded on any other principle, his Catholic Majesty giving full scope to his greatness, would have spoken from himself, and as became his dignity.

I must not omit to inform you, that the King my Master will learn with surprize, that the memorial of France could raise a sentiment in the breast of his Britannic Majesty, entirely opposite to the intentions of the two Sovereigns.

But his Catholic Majesty will always be pleased, whenever he sees that they make that progress which he has ever desired, in the negotiation of peace, whether it be separate between France and England, or general; as his sincere wishes are to make it perpetual, by obviating every source which might hereafter unhappily renew the war.

For this reason, the King my Master flatters himself that his Britannic Majesty, animated with the same sentiments of humanity towards the public tranquillity, will express the same intentions of terminating the disputes of England, with a power which has afforded such reiterated proofs of her friendship, at the same time that it is proposed to restore peace to all Europe in general.

The King ordered M. Buffy, by the instructions which were sent to him with the *Ultimatum*, to agree to the

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cession of Canada, in the full extent which England desired it, so that the fishery on the coast and in the Gulf of St. Lawrence was maintained to France, and that England would appoint a port in that part, which might be subject to the sovereignty of his Majesty, and serve the French fishermen for a shelter.

M. Buffly had in charge to agree upon the limits of Canada and Louisiana, according to the English map, though very unfavourable to the rights and possessions of France. With regard to Africa, the King's Minister was authorized to consent to the cession required by England, so that the exportation of negroes might be confirmed to France by some expedients equally easy and sure; and his Majesty made the sacrifice of Dunkirk, in compensation of the security of fishing in the Gulf of St. Lawrence, in favour of his subjects.

As to what concerns Asia, the King authorized M. Buffly to agree that the French and English India companies, should adjust their respective interests among themselves, upon condition that they suspend hostilities during the negotiation, and that the advantages on either side should be considered as a compensation with regard to the respective interests of the two Crowns.

The King insisted, in the instructions he sent to his Minister at London, upon the article respecting the restitution of the French vessels taken before the war by the English marine. His Majesty's love for his subjects would not allow him to omit any thing to alleviate the distresses which several towns in his kingdom sustained by means of those illegal captures. M. Buffly had even orders to present the following memorial on that subject.

*Memorial concerning the Vessels taken before the War.*

Concerning the reclaim of the Prizes made before the Declaration of the War.

**T**HE reclaim of the captures made by the English before the declaration of war, is founded on the treaties of Utrecht and Aix la Chapelle.

It is not necessary to contest the principle that the right of exercising hostilities does not always result from the formality

mality of a declaration of war ; but as it is impracticable for two Princes who make war on each other, to agree between them which is the aggressor with regard to the other, equity and humanity have dictated these precautions, that where an unforeseen rupture happens suddenly, and without any previous declaration, foreign vessels, which, navigating under the security of peace and of treaties, happen at the time of the rupture to be in either of the respective ports, shall have time and full liberty to withdraw themselves.

This wise provision, so agreeable to the rules of good faith, constitutes a part of the law of nations, and the article of the treaty which sanctifies these precautions ought to be faithfully executed, notwithstanding the breach of the other articles of the treaty, which is the natural consequence of the war.

The Courts of France and Great Britain used this salutary precaution in the treaties of Utrecht and Aix la Chapelle ; in the first, by the nineteenth article of the treaty of peace, and in the second of the treaty of Commerce: in the second, by the third article which renews and confirms the first.

If these treaties allow a protection to the respective subjects who may have ships in the ports of either of the powers, because, having no opportunity of knowing that a rupture has fallen out, they sailed under the security of peace and under the faith of treaties ; by a parity of reason, all the other subjects who are not inhabitants of the respective ports, who have ships at sea, should enjoy the same security for their vessels, in whatever part of the sea they should be sailing, otherwise it would follow, that the Sovereigns provide for the preservation of one part of their subjects from the miseries of a sudden rupture, to which they expose the rest, which is absolutely repugnant to the humanity of Sovereigns, and contrary to right reason.

It is upon this principle that the King of France restored to England the English Vessels which were found in the ports of France, at the time of the rupture, or taken at sea before the declaration of war.

If his Majesty had not caused those vessels to be restored, his Britannic Majesty might have alledged that he retained the

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the French vessels by way of reprisals ; but the punctuality of France in conforming to the treaties of Utrecht and Aix la Chapelle, and to the principles resulting from thence, give England no pretence for refusing to fulfil engagements, which are reciprocal.

The Court of France therefore does not doubt but that the Court of England will agree to order the restitution of the ships taken by the English from the French, before the declaration of the war.

The King likewise ordered his Minister to represent, with its full force, the utility which would redound to the two Crowns by the total desertion of the war in Germany. His Majesty moreover required M. Bussy, after having used his utmost endeavours to persuade the British Ministry to acquiesce in propositions so advantageous to England, to wait for fresh instructions, if the Court of London should refuse the conditions offered in the *Ultimatum* of France, the King being resolved to carry his compliance as far as possible, in order to inspire the King of England with pacific dispositions.

The *Ultimatum* of France, of the 5th August, arrived at London the 8th of the same month : M. Bussy wrote to Mr. Pitt ; that Minister returned him the following answer on the 15th.

*Mr. Pitt's Letter to M. Bussy, 15th August, 1761.*

S I R,

I Made the King my Master acquainted with the memorial, which, by the order of his most Christian Majesty, you accompanied the *Ultimatum* of the Court of France : his Majesty perceives from these two pieces, with that regret with which the love of peace inspires him, that the happy moment to put an end to so many miseries is not yet come.

As to what relates to the stile of the *Ultimatum* of England in answer to the memorial of propositions from France, as likewise of the letter which I addressed to you by his Majesty's order, upon returning the two papers relative



lative to Spain and the King of Prussia, as totally inadmissible, the King orders me to acquaint, you, Sir, that his Majesty adheres both to the form and substance of those two pieces, in which his dignity concurred with his justice and good faith, leaving all the world to judge which of the two Courts have shewn an aversion to peace during the course of the negotiation; whether it be that Court, which from a principle of candour, not by way of assuming an imperative tone, has always endeavoured to give open answers, in order to shorten delays, by obviating misunderstandings, and to avoid the reproach of having acted delusively even with an enemy; who, in the conditions of peace, so far from making an ill use of her prosperity, has not even insisted on all those rights which the *Uti possidetis*, and the memorial of France of the 26th March, gave her, who, moreover, proposes, that after the conclusion of peace between the two Crowns they shall respectively be at liberty, with regard to the contest concerning Silesia, to fulfil the engagements they have contracted with their allies; it belongs therefore, Sir, to Europe to judge whether this is the Court which has shewn an aversion to peace, or whether it is not that, which after so many variations and delays on her part, arbitrarily continues to insist on objects in America, which we have a right to by the *Uti Possidetis*, and which would make a direct attempt on the essential rights of our conquests of Canada and its appurtenances, in the Gulf of St. Lawrence; which, in Germany, not only refuses to give up her conquests, gained over his Majesty's Allies, as a just compensation for the important restitutions with which his Majesty is willing to accommodate France, but even pretends to impose an obligation on his Majesty not to fulfil the engagements of his Crown towards the King of Prussia; which moreover, not satisfied with throwing so many insuperable obstacles in the way to peace, has not scrupled to interpose new perplexities in opposition to this precious blessing, for which the nations sigh, by intermixing, too late, matters so foreign to the present Negotiation between the two Crowns, as are the discussions between Great Britain and Spain.

Such, Sir, being the conduct of the two Courts, the King perceives with regret that the peace so much desired

is far distant, and that at this very moment the Court of France is willing to intrust it to the uncertain fate of farther events.

If this is the intention of France, his Majesty relies on the same Providence, which has hitherto blessed his arms, and the sincerity of his intentions towards peace; and hopes, that the course of events, accomplishing what his Majesty's moderation has in vain attempted, will recal the Court of France to a more favourable disposition.

Nevertheless, Sir, although I am not at liberty to confer with you concerning the *Ultimatum* of your Court separately, yet if you desire, Sir, that we should have a conference on the two *Ultimatums* of our Courts together, I will be at your command when you think proper, that I may have the honour to learn what you have to communicate to me with respect to the intentions of your Court.

I have the Honour to be, &c.

Signed, W. PITT.

Europe will be able to judge by the pieces contained in this Memorial, and which cannot be disavowed by the British Ministry, any more than their dates, whether France has used any delay in the negotiation, and whether she has varied from her propositions, and from the constant desire she has always expressed for the conclusion of peace.

Mr. Buffy's *Answer to Mr. Pitt*, 16th August, 1761.

S I R,

I Received the letter which your Excellency did me the honour to write to me on the 16th of this month. I will not undertake to discuss the principal object of it without submitting it to my Court, whether it is proper to make a reply, and what that reply should be. I will confine myself, Sir, to assure you that I accept, with pleasure, the offer your Excellency makes me of a Conference on the subject of the two *Ultimatums* of our Courts; as you are out of town, and as I would not trespass on the moments you devote to the establishment of your health, I refer myself to you entirely to appoint the day and hour when I may come to confer with you.

VOL. II.

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Nothing can be more true than the assurance I make to you of the respectful attachment with which you have inspired me, and with which I have the honour to be, &c.

Signed, DE BUSSY

The many deliberations of the British court, and the delay, from the 8th to the 30th of the same month, of the answer to the *Ultimatum* of France, renewed the hopes of reconciliation between the two crowns. At length the answer came, and Mr. Stanley remitted on the first of September to the Duke de Choiseul.

*The Answer of England to the Ultimatum of France received the 1st of September, 1761.*

The Answer of the British Court to the *Ultimatum* of the Court of France, remitted the 17th of August, by M. Buffy, Minister Plenipotentiary of the Most Christian King, to the Secretary of State of his Britannic Majesty of the Southern department.

**T**HE Most Christian King having repeatedly declared in the *Ultimatum* of the court of France, remitted to Mr. Pitt by M. Buffy, as well as in the Memorial of the propositions of peace, which was remitted by the Duke de Choiseul to Mr. Stanley, that, if the negotiation entered upon between the two crowns has not the desired effect, all the articles conceded in that negotiation by France cannot be considered in any case as points agreed upon any more than the Memorial of the month of March last in relation to the *Uti possidetis*; the King declares, in return, that if the concessions his Majesty has made to Britain about peace, should not be accepted by his most Christian Majesty, the important restitutions offered to France, as well as the other circumstances herein after expressed, cannot for the future be considered as given up.

**I**n The King will not desert his claim to the entire and total cession of all Canada and its dependencies, without new limits or exceptions whatever; and likewise insists on the compleat cession of the island of Cape Breton, and the other islands in the gulf and river of St. Laurence.

Canada



Canada, according to the lines of its limits, traced by the Marquis de Vandreuil himself, when that Governor surrendered the said province by capitulation to the British General Sir J. Amherst, comprehends on one side the lakes Huron, Michigan and Superieur; and the said line drawn to the Red Lake, takes in, by a serpentine progress, the river Ouabachi, as far as its junction with the Ohio, and from thence extends itself along the latter river as far inclusively as its influx into the Mississippi.

It is in conformity to this state of the limits made by the French Governor, that the King claims the cession of Canada, a province which the court of France moreover has offered anew by their *Ultimatum* to cede to his Britannic Majesty, *in the most extensive manner*, as expressed in the Memorial of Propositions of Peace, of the 13th of July.

As to what concerns the public profession and exercise of the Roman Catholic religion in Canada, the new subjects of his Britannic Majesty shall be maintained in that privilege without interruption or molestation; and the French inhabitants, or others, who may have been subjects of the most Christian King in Canada, shall have full liberty and power to sell their effects, provided they dispose of them to the subjects of his Britannic Majesty, and to transport their property, as well as their persons, without being restrained from their emigration under any pretence whatever, (unless in case of debt, or for the breach of criminal laws) it being always understood, that the time granted for the said emigration shall be limited to the space of one year, to be computed from the day of the ratification of the definitive treaty.

II. As to what respects the line to be drawn from Rio Perdido, as contained in the note remitted by M. Buffy of the 18th of this month, with regard to the limits of Louisiana, his Majesty is obliged to reject so unexpected a proposition, as by no means admissible in two respects.

1. Because the said line, under colour of fixing the limits of Louisiana, annexes vast countries to that province, which, with the commanding posts and forts, the Marquis de Vandreuil has, by the most solemn capitulation, inconceivably yielded into the possession of his Britannic Majesty, under the description of Canada; and that consequently,

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however contentious the pretensions of the two crowns may have been before the war, and particularly with respect to the course of the Ohio, and the territories in that part since the surrender of Canada, and the line of its limits has been traced as aforesaid by the Marquis de Vandreuil, all those opposite titles are united, and become valid without contradiction, to confirm to Great-Britain, with all the rest of Canada, the possession of those countries on that part of the Ohio which have been heretofore contested.

2. The line proposed to fix the bounds of Louisiana cannot be admitted, because it would comprize in another part, on the side of the Carolinas, very extensive countries and numerous nations, who have always been reputed to be under the protection of the King, a right which his Majesty has no intention of renouncing; and then the King, for the advantage of peace, might consent to leave the intermediate countries under the protection of Great-Britain, and particularly the Cherokees, the Creeks, the Chicafaws, the Chaftaws, and another nation, situate between the British settlements and the Mississippi.

III. The King refers to the third article of the *Ultimatum* of England concerning the cession of Senegal and its dependencies, as well as the island of Goree, in the most ample manner, as expressed in the said article; and his Majesty renews the declaration which has been made by Mr. Stanley, that if the court of France would suggest any reasonable expedient to provide themselves with negroes which may not be too detrimental to the interests of the British subjects in Africa, he will willingly enter upon a discussion of this subject.

IV. The important privilege granted by the 13th article of the treaty of Utrecht, under certain limitations and restrictions, to the subjects of France, for fishing and drying their cod fish on a certain part of the banks of Newfoundland, has not been refused by Great-Britain, but connected with a reciprocal satisfaction on the part of France, with regard to the indispensable object of Dunkirk, which the King has required, and still requires: It is therefore on condition, that the town and port of Dunkirk shall be put in the condition it ought to have been by the last treaty of Aix la Chapelle, that his Majesty con-

sents to renew to France the privilege of fishing and of drying their fish by virtue of the treaty of Utrecht, upon the aforesaid district of Newfoundland.

As to the demand which his most Christian Majesty has further made, that his subjects may fish in the gulf of St. Laurence, as also to have a port there *without fortifications*, and subject to the inspection of England, as proposed on the part of the D. de Choiseul in his conferences with Mr. Stanley on that head, which port should merely serve as a shelter to the fishing boats of the French nation which shall land there: the King, to manifest to his most Christian Majesty and to the whole world, the sincerity of his intentions with regard to peace, will consent,

1. To grant the French subjects the privilege of fishing in the gulf of St. Laurence, upon this express condition, that is to say; That the said French subjects shall abstain from that particular fishery on all the coasts appertaining to Great-Britain, whether on the Continent or on the islands situated in the said gulf of St. Laurence, which fishery the proprietors only of the said coasts have constantly enjoyed and always exercised; saving always the privilege granted by the 13th article of the treaty of Utrecht, to the subjects of France, to fish and dry their cod fish on a part specified on the banks of Newfoundland, which privilege is proposed to be renewed to France as aforesaid.

2. The King will consent to cede to his Majesty the isle of St. Pierre with its port, which isle, with respect to that part of Newfoundland situate between the bay of Placentia and the bay of La Fortune, stands east south east, and its port opens towards the north east, the interior part of which port is called Bourgway; the island of St. Pierre, which the King is willing to cede, is divided by a little streight from another island, known by the name of Maquelon or of Michelin, which lies to the north of the said isle of St. Pierre.

To the cession of the said isle, as above-mentioned, his Majesty annexes four indispensable conditions.

1. That France, on no pretence, nor under any denomination whatever, shall erect any fortifications, either in the said isle, or in its port, and that she shall not keep any



troops there, nor maintain any military establishment whatever.

2. That the said isle and the said port shall only serve as a shelter for the fishing vessels of the French nation, and that France shall not suffer the vessels of any other nation whatever to partake of the convenience of this shelter for the fishing boats.

3. That the possession of the isle of St. Pierre, as aforesaid, shall not be construed in any case to confer, transmit, or participate in any manner whatever the least right or power of fishing or of drying cod fish in any part of the coast of Newfoundland, beyond the district expressly stipulated and fixed for that purpose, by the 13th article of the treaty of Utrecht, that is to say, *a Loco Cape Bonavistæ nuncupato, usque ad extremitatem ejusdem Insulæ septentrionalem, indeque ad Latus occidentale recurrendo usque ad Lacum Pointriche appellatum.*

4. That in virtue of the cession of the said island as aforesaid, an English commissary shall be allowed to reside there, and the commander of the British Squadron at Newfoundland shall be at liberty from time to time to inspect the said isle and the said port, to see that the stipulations above expressed are punctually observed.

V. The proposition of an alternative suggested by the court of France, in relation to the isles of Tobago, St. Lucia, Dominica, and St. Vincent, commonly called Neutral Islands, is by no means admissible. The King, however, from a principle of moderation, continues his inclination to agree to an equal partition of the said four islands, to be ascertained in the future treaty between the two crowns.

VI. The King consents to restore to his most Christian Majesty,

1. The important conquest of Belleisle, with the artillery, &c. which was therein at the time of taking the said island.

2. His Majesty likewise agrees to restore to the most Christian King the fertile and wealthy island of Guadaloupe with that of Marigalante, with the artillery, &c. which was therein at the time of taking the said islands.

VII. The

VII. The island of Minorca shall be restored to his Britannick Majesty, as likewise Fort St. Philip, in the condition it stood, and with the artillery therein, &c. at the time of taking the said island and fort.

VIII. As to what regards the restitution and evacuation of the conquests made by France over the King's allies in Germany, and particularly of Wesel and the other territories of the King of Prussia, his Majesty persists in his demand relative to that subject in the 7th article of the *Ultimatum* of England; it being always understood, that all the places belonging to his Majesty's allies in Germany shall be restored, with the artillery, &c. found in them at the time of taking the said places.

IX. With regard to the succour to be afforded to the King of Prussia on the part of the British crown, as an auxiliary, after the conclusion of the separate peace between Great-Britain and France, his Majesty remains in the same inflexible resolution, which he declared at the first overture of the present negotiation, that he will never desist from giving constant succour to the King of Prussia, as an auxiliary, *with efficacy and good faith*, in order to attain the salutary end of a general pacification in Germany. With this view, his Majesty, far from proposing to leave France at liberty to send armies into Silesia, *without being limited to the number stipulated in her actual engagements with the court of Vienna*, (a circumstance not to be found in any part of the *Ultimatum* of England) has uniformly declared, as the 13th article of the said *Ultimatum* professes, that Great-Britain and France shall be at liberty to support their respective allies as auxiliaries, in their particular contest for the recovery of Silesia, according to the engagements entered into by each crown.

The King declares at the same time, that his Majesty has neither the intention nor the authority to take upon him to inhibit and forbid any foreign troops from entering into the service and pay of the King of Prussia, however his Majesty might be inclined to consent not to furnish, but by means of subsidy, those supplies which Great-Britain shall judge convenient to grant his Prussian Majesty, in pursuance of her engagements.

X. With regard to the captures made after the commencement of hostilities, and before the declaration of war, the King continues of opinion, that such a demand on the part of France is neither just nor maintainable, according to the most incontestible principles of the rights of war and of nations.

XI. Concerning the evacuations of Ostend and Nieuport, the King cannot but refer to the most express and irrevocable stipulation of the most solemn treaties, and expressed in the 11th article of the *Ultimatum* of Great-Britain, as also to his declaration relative to that subject: and his Majesty relies on the sincerity of the declaration on the part of France; that is to say, that "the intention of his most Christian Majesty never was to keep possession of the aforesaid places after the return of peace."

XII. In regard to the cessation of hostilities, the King persists, in every respect, in the same intentions, declared in the 12th article of the British *Ultimatum*.

XIII. As to what concerns the French East-India Company, he can only refer to the 9th article of the *Ultimatum* of England, with regard to which no disagreement seems to subsist.

XIV. As to the prisoners of war, the two courts seem to agree perfectly on that head.

The court of France cannot but perceive from this answer, the sincerity of his Majesty's intentions, as well as the moderation which directs his Majesty towards the means of reconciliation with the most Christian King.

Signed H. STANLEY

The D. de Choiseul had several conferences with the English Minister on the subject of this answer; but Mr Stanley, in those conferences, as well as through the whole course of the negotiation, did not appear to be authorized by his court to come to any agreement with respect to the difficulties which occurred, nor even to elucidate those obscurities which occurred in the English answers, and particularly in the 9th article of the last answer from the court of London. As this Minister was confined to the letter of the answer given by his court, this circumstance absolutely



put a stop to all eclaircissement on these points, and took away every expedient for removing the obstacles of the negotiation. It was judged proper in France, in order to obviate these difficulties, to send a new Memorial to England, as a final answer to the court of London. This Memorial was sent to M. Buffly the 9th of September.

*The last Memorial of France to England, the 9th of September, 1761.*

The Memorial of France to the Answer of England, transmitted to the Duke de Choiseul the 1st of September, by M. Stanley the Minister of his Britannic Majesty.

THE King accepts the declaration of the King of England contained in the preamble of the Answer, and renews that which he before made to his Majesty on this head, in such manner that it is concluded between the two courts finally and without ambiguity, that if peace is not the result of the present negotiation, all that has been said, written and negotiated between the two crowns, since the Memorial of the 26th of March inclusive, to the moment of the rupture, shall be void and of no effect, and shall not be brought as an argument in favour of either of the parties, in any future negotiation of peace.

Article I. The King has declared in his first Memorial, and in his *Ultimatum*, That he will cede and guaranty to England the possession of Canada, in the most ample manner; his Majesty persists in that offer, and without discussing the line of its limits marked in a map presented by Mr. Stanley; as that line, on which England rests its demand, is without doubt the most extensive bound which can be given to the cession, the King is willing to grant it.

His Majesty had annexed four conditions to his guaranty: it seems that England agrees to them: the King only conceives, that the term of one year for the sale of the French effects, and for the emigration, is too short, and his Majesty desires, that it may be agreed to extend the term of one year to eighteen months at least.

As the court of England has added, to the first article of their Answer to the entire and total cession of Canada, as agreed

agreed between the two courts, the word *Dependencies*, it is necessary to give a specific explanation of this word, that the cession might not in the end occasion difficulties between the two courts with regard to the meaning of the word *Dependencies*.

II. The first paragraph, with respect to the limits of Louisiana, contained in the second article of the Answer from England, is agreed to by France. The second paragraph is neither just nor explicit, and it is finally proposed to express it in the following terms.

“The intermediate Savage nations between the Lakes and the Mississippi, and within the line traced out, shall be neuter and independent under the protection of the King, and those without the line on the side of the English shall be likewise neuter and independent under the protection of the King of England. The English traders also shall be prohibited from going among the Savage nations beyond the line on either side; but the said nations shall not be restrained in their freedom of commerce with the French and English, as they have exercised it heretofore.”

III. Although France is sensible how opposite it is to principles of conciliation, that the party which cedes should propose to the party who has conquered and would maintain the cession of possessions which are not perfectly known; though there is no doubt, but that the manner which England requires is liable to innumerable difficulties, nevertheless the King, to testify his acquiescence in every expedient which may conciliate the two crowns, is willing to declare to England, that he will guaranty the possession of Senegal and Goree to that crown, provided England, on her part, will guaranty the possession of the settlements of Anamaboo and Akra, on the coast of Africa.

The fourth article of the answer includes variety of objects, each of which requires a particular explanation.

England always endeavours to connect the liberty of fishing and of drying the fish on part of the coast of Newfoundland, granted by the 15th article of the treaty of Utrecht, with the ninth article of the same treaty, which stipulates the demolition of Dunkirk: it is given in answer to England for the fourth and last time, that those two stipulations of the treaty of Utrecht have nothing in common between

between them, unless that they are both comprized in the said treaty; and that the concession expressed in favour of the French in the thirteenth article of that treaty, is a compensation for the cession of Newfoundland and Annapolis Royal, made on the part of France to England by the twelfth and thirteenth articles of the same treaty.

But to the end that the two Courts may clearly understand each other on this head, and for the furtherance of peace, the King agrees to demolish the works which have been made for the defence of the port of Dunkirk since the beginning of this war, to fill up the basin which contains the ships of war, and to destroy the buildings belonging to the rope yard: but at the same time his Majesty will leave the trading port, which will not receive a frigate, subsisting for the good of England as well as for the benefit of France. She will also undertake not to suffer any maritime military establishment in that port; but the cunette shall be left standing round the place for the salubrity of the air, and the health of the inhabitants.

As to the fishery and the drying of fish on the Banks of Newfoundland, the King requires that the thirteenth article of the treaty of Utrecht be confirmed by the present treaty.

Concerning the condition proposed by England, with respect to the liberty of fishing in the Gulf of St. Lawrence, France agrees, that beyond the port of Newfoundland specified by the thirteenth article of the treaty of Utrecht, the French (unless in case of accidents) cannot land on the coasts appertaining to the English in the Gulf of St. Lawrence, whether to dry their fish, or to spread their nets on the said coasts; but without these two exceptions the French shall be at liberty to fish, without molestation, in all parts of the said Gulf of St. Lawrence.

With respect to the cession of the island of St. Pierre, the smallness of that island, and its situation near Plaisance, make the King of opinion that such a shelter will be illusory, and will rather serve to breed contests between the two nations, than to procure the accommodations for the fishery of the French subjects.

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The King had required the island of Cape Breton, or the island of St. John; his Majesty had even restrained himself to the little island of Conceau, and now makes the same proposition to his Britannic Majesty; or if the King of England, for reasons unknown to France, cannot agree to the cession of the isle of Conceau, it is proposed to add to the cession of St. Pierre, the islands of Maquelon or Michelon, two islands, of which one, which is St. Pierre, is but three leagues wide, and Michelon but two. However inconsiderable these two settlements may be, which do not properly make one, the King will accept of them, and will even oblige himself, 1. That neither in one or the other island, or in that of Conceau, if England cedes the latter, there shall be any military establishment; France will only maintain a guard of fifty men to enforce the police, which it will be necessary to maintain in those islands.

2. As far as possible, considering the weak guard of the police, the King will prevent all foreign vessels, even English, from landing at those Islands.

3. France does not pretend to fish and dry their fish on the Coast of Newfoundland, but in pursuance of the stipulation of the 13th article of the treaty of Utrecht, provided it be understood that the French may fish and dry their fish on the Coasts of St. Pierre and Michelon.

4. Lastly, the Kings allows, that an English Commissary shall be resident in the said island, to be witness to the punctuality with which the stipulated condition of the treaty shall be observed.

The partition of the four neutral Islands must be specified between the two Courts in the preliminaries; France accepts the partition of those Islands proposed by England provided that St. Lucia be declared to make part of the partition to be regulated in favour of France.

VI. The King, without entering into any discussion of the 6th article, agrees to this article as well as to the 7th.

VIII. The King, with regard to the 8th Article, refers to the 7th Article of his *Ultimatum*. It is not in his Majesty's power to evacuate countries, which appertain to ally the Empress Queen.

IX. The ninth article of the answer of England requires some explanation, for it is worded in such a manner as not to convey any precise meaning; it supposes respective engagements on the part of the King towards the Empress, and on the part of England towards the King of Prussia, to which the two Courts are strangers. France does not suppose that the King of England can hinder the allies of his Crown, such as the Sovereigns of Hanover, Cassel, and Brunswick, from joining their forces with those of the King of Prussia; but without entering into a needless discussion, the King is resolved, for the sake of peace, to make the most important sacrifices, and at the same time unalterably determined, to grant nothing in the future treaty of peace, which may be contrary to the stipulations he has entered into with his allies. It is with their consent, and with mutual concert, that the King proposes to England, in relation to the war in Westphalia, the 10th article of the memorial of his Majesty's propositions, and the 7th and 13th articles of the French *Ultimatum*. The King abides by these articles in answer to the 8th and 9th articles of the answer of England; not refusing, nevertheless, to treat of any fresh propositions which England may make on these heads, which shall be communicated to his Majesty's allies, and to which his Majesty will listen, with the consent of the Empress, if they are not contrary to his Majesty's engagements with that Princess.

X. France is of opinion that her proposition in relation to the captures in which the King's subjects are interested, are so just, that she abides by them, and refers to the 12th article of his propositions on that head.

XI. The King, after signing of the treaty, even of the preliminaries, will give a declaration under his hand, to the King of England, by which his Majesty will declare that his intention never was to bring the towns of Ostend and Nieupoort under his dominion.

XII. Provided that the terms of the cessation of hostilities may not be prejudicial to either Crown, France will agree to them.

XIII. France adopts the negotiation between the India Companies of the two nations, on condition that the negotiation shall be concluded at the same time with that be-

tween the two Crowns; and to that effect, each company shall enter upon their negotiation without delay, and shall name commissaries for that purpose.

XIV. This article will meet with no difficulty.

The Court of England will do justice to the considerable accommodations which the Court of France has testified in this memorial, towards a reconciliation between the two Crowns.

It may be collected from this memorial, that the first article of the English answer was granted in the full extent which the Court of London required; France only desired eighteen months, instead of a year, for the emigration.

By granting the first part of the second article, which cedes the whole current of the Ohio to England, France proposed in regard to the second point of that article, to agree upon the nations which should be reputed neutral between Canada, Carolina, and Louisiana: This proposition was the more reasonable, because that by agreeing on this division of the possession of the two nations, an equitable system was adopted, discussions about the limits were prevented for the future, and France did not incur the risk of losing the colony of Louisiana, whenever it pleased the Court of London to invade it.

England, in her answer, persisted in requiring France to name the possessions which the king desired to have on the coast of Africa. The third article satisfied that demand.

The King, in the fourth Article, agreed to the demolition of Dunkirk, as far as it was possible; for it will not be practicable, as after the peace of Utrecht, to erect afresh a dam against the sea, which would inevitably carry it away presently. As to what remained, it was offered to demolish every thing at Dunkirk which had the appearance of a military port. Every one must be sensible how mortifying such a demolition must have been to France.

They agreed that the liberty of fishing in the Gulf of St. Laurence, and upon the banks and coasts of Newfoundland, should be the compensation for the demolition of Dunkirk. They accepted the cession of the Isle of St. Pierre, on conditions more than burthensome: the united



of Michelon to St. Pierre was of the least consequence, and the D. de Choiseul even assured Mr. Stanley that such a cession would not be insisted on.

It is true the King rejected the inspection of the English Admiral, and that his Majesty was resolved rather to refuse the possession of St. Pierre, than to agree to such an inspection, which was useless for the maintaining the stipulations of the treaty, and injurious to the dignity of the French nation, as that condition seemed to be proposed only with a view to manifest, on the part of England, an ill-timed superiority.

The other articles of the French memorial explain of themselves, with sufficient precision, the sincere and pacific intentions of his Majesty.

The eighth and ninth articles of the answer of England, could not be agreed to in the form they stood; they required at least, especially the last, some explanation: For how could the King cause Germany to be evacuated by his forces, and at the same time fulfil his engagement with the powers of the Empire his allies? There was a manifest contradiction in this proposition. One might suppose that England intended, by the ninth article, that France, after having evacuated Westphalia, should be at liberty to dispatch forces into Bohemia or Saxony to the aid of the Empress Queen. But not to mention that such a march would have been as difficult as destructive to the King's army, is it probable that his Majesty, however closely he may be connected with that Princess, should abandon his possessions in Germany, conquered from his real enemies, to march his armies at a distance from his frontiers, without any communication, send his troops to the aid of this ally, and make war upon the King of Prussia, who is not his direct enemy!

Such nevertheless was the proposition of England. The King, in his memorial, repeated what he had said before, that the two Crowns should equally remain at peace in Germany, as in the other parts of the world; or that England should propose some plain and honourable method to conciliate his Majesty's good faith towards his allies, with his Majesty's desire of contributing no farther to the war in Germany.

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M. de Buffy remitted the memorial of the 9th of September to Mr. Pitt, on the 13th of the same month, and without having received any answer to that memorial on the part of the British Court, Mr. Stanley wrote to the D. de Choiseul the following letter, and received the answer underneath on the same day.

*Mr. Stanley's Letter to the Duke de Choiseul, of the 20th September, 1761.*

S I R,

I Have the honour to inform your Excellency, pursuant to the orders I received yesterday from my Court, that as the Court of France has not agreed to accept the propositions contained in the last answer from the British Court, the King my Master has ordered me to request a passport of you, to return to England; my Court expects also, that M. Buffy will, on his part, receive the same orders.

As the state of war has no influence over the personal sentiments of the King of England, with regard to their most Christian Majesties, he is persuaded that they will take part in the event of his marriage, and I have letters in my hands by which he communicates that happy event to their Majesties. I have the honour to send your Excellency the copies, and I take the liberty, Sir, to consult your better intelligence, to inform myself of the most suitable manner of remitting these letters, in pursuance of my credentials, and according to the established custom of your Court.

I have the honour to be, &c.

Signed H. STANLEY.

*The Duke de Choiseul's Answer to Mr. Stanley, of the 20th of September, 1761.*

S I R,

THE King has ordered me, Sir, to expedite the passports which are necessary for your return to England: you will find them annexed. M. Buffy had orders to demand an eclaircissement with respect to the last An-

from England, and to return to France if those éclair-  
cissements were not favourable. They have certainly been  
otherwise, since your court has anticipated his return by  
your recall. However it be, Sir, his Majesty hopes that  
some more happy opportunity will produce more effectual  
inclinations to peace, and he has charged me to observe to  
you, that you may assure the King of England, that he  
will always find him disposed to renew the negotiation, and  
to consent to equitable conditions, which may establish a  
firm union between the two crowns.

The King most sincerely takes part in the marriage of  
the King of England; if you will send me the letters from  
his British Majesty, I will remit them to their Majesties.

I have the honour to be, &c.

Signed Le Duc de CHOISEUL.

At the same time M. de Buffy understood at London,  
that a courier had been dispatched to recal Mr. Stanley,  
he explained himself on that occasion; and after the British  
Ministry had confirmed the fact, he desired, agreeable to  
the orders he had received, the necessary passports to re-  
turn to France.

Thus the negotiation between the two crowns has been  
broken off. They who talk so readily, and upon all occa-  
sions, that *we must make peace*, do not consider, that how-  
ever well disposed a Sovereign may be for the re-establish-  
ment of tranquillity, his desire cannot be effectual, but  
when it is equally sincere on the part of the other bellige-  
rent powers; and it will be admitted, on reading this me-  
morial, that the King has omitted nothing to come to an  
accommodation; no one can say, that his Majesty's allies  
have occasioned the rupture of the negotiation. It has  
been proved, that the war which the King maintains in  
Westphalia, is a war purely English, that it brings no ad-  
vantage either to the Empresses, or to Sweden, or to Sax-  
ony; besides, the proposition made by France, not to af-  
ford any succours, either direct or indirect, to her allies  
in Germany, evidently demonstrates, that the war in West-  
phalia neither has been, nor could be, an impediment to  
peace.



England and some other courts would pretend, that the engagements of the King with his Catholic Majesty, and the proposition made by France, to conciliate the differences of Spain with England at the same time with those which were the principal object of the negotiation, had disgusted the court of London, that for that reason only she refused the terms for the conclusion of peace. It is true, as has been shewn already, that the British Ministers haughtily rejected the expedient, which his Majesty's prudent precaution induced him to suggest to England, with a view to conclude a firm peace, and to entirely obviate all obstacles which might oppose the continuance of the tranquillity, which his Majesty laboured to re-establish: it is true likewise, that since the first Memorial of France there was no farther notice of the differences of Spain in the proposition made by the court of Versailles to that of London: his Catholic Majesty has even declared to the King, that if the objects, which concerned the Spanish monarchy, should embarrass the negotiation and retard the peace, he agreed that those points should be no farther negotiated on the part of his Majesty. In fact, to repeat it once more, since the first Memorial of France, there has been no more mention of Spain. It cannot be imagined therefore, that the interests of his Majesty's allies have proved an obstacle to the pacification. It remains, therefore, to examine whether the negotiation has been broken off with respect to the articles which are the subjects of the particular discussion between the two crowns.

It is necessary to recollect here, agreeable to the representation in the opening of the Memorial, what were the possessions acquired since the commencement of the war between the two crowns, to the time when the negotiation was entered upon, on the basis of the *Uti possidetis*.

England had conquered from France in North-America, Canada, and the isles Royal and St. John, situate in the gulf of St. Laurence: in South America, the isles of Guadaloupe and Marigalante: in Africa, Senegal, and the island of Goree: in Asia, Pondicherry and the French settlements on the coast of Coromandel.

In Europe, the island of Belleisle, attacked since the opening of the negotiation, and subsequent to the epocha of *Stau Quo*, proposed by the court of France.

The *Uti possidetis* of France comprized in Asia, the English settlements on the coast of Sumatra, and other advantages on the side of the Mogul, of which they had yet received but imperfect accounts. In Europe, the island of Minorca, the Landgraviate of Hesse, the country of Hanau, and the town of Gottingen in the Electorate of Hanover. Lastly, France had re-established, or could have availed herself of the liberty which the infraction of the treaty of Utrecht gave her, to re-establish the port of Dunkirk.

The King offered to guaranty Canada to the English in the utmost extent which the court of London required.

His Majesty proposed, that the right of fishing and of drying their fish on the coast and on the banks of Newfoundland, should be confirmed to France, and on that condition she consented to the demolition of Dunkirk.

The King proposed to restore the island of Minorca to England, for the cession of Guadaloupe and Marigalante.

His Majesty agreed to evacuate Hesse, the county of Hanau, and Gottingen, provided that one of the two settlements she had lost in Africa were restored to her.

The Indian Companies of the two nations were to treat concerning their particular pacification, agreeable to their reciprocal interests.

If the reduction of Belleisle should be acknowledged a legal conquest, though undertaken after the proposition of *Uti possidetis*, France agreed, that the possession of that important island should remain to England.

Who can pretend to say, after the foregoing representation, that France has not scrupulously pursued, in all her propositions, the principle of her Memorial of the 26th of March! Can any one, at the same time, deny that the compensations, offered by the King, were not as advantageous for England as she could desire?

Therefore it evidently follows, that the allies of France in Germany could have been no obstacle to the peace, since they take no part in the war which is carried on in Westphalia, nor are assisted by the King's forces in the war maintained in Saxony, Silesia, and Pomerania. Moreover, it was proposed to England, on the part of France, that the two courts should absolutely withdraw themselves from the war.

It is equally demonstrable, that Spain cannot be alleged to have been an impediment to the pacification, as the King did not renew the proposition he made to unite the accommodation of the differences of that crown, with the treaty under negotiation between the courts of Versailles and London, and his Catholic Majesty approved of their silence in this behalf.

It is certain, that the conditions and compensations offered by France, for the conclusion of a separate peace with England, are all for the advantage of the latter power; that the court of London, had she been inclined to peace, could not make claims beyond her conquests; and that the court plainly and clearly gave up every thing, which was not compensated by some restitution on her part.

This detail necessarily leads to the question, which the whole universe, that suffers by the miseries of war, must necessarily make: What then has been the motive of the rupture of such an important negotiation? That motive has no other principle than the positive aversion of the court of London to peace: it has proved impossible to infuse a conciliating spirit into a court resolved to perpetuate the war, and less influenced by the real interests of the kingdom and the destruction of the human species, than inflated with the success she has had, and greedy of those advantages she has farther in view.

It is with regret, that the King finds himself obliged to continue an opposition by force to the progress of the ambitious designs of his enemies, and under an impossibility of procuring his people that repose, which his Majesty wished for their welfare. The King trusts, that Providence will disappoint those vast projects, which England scarce endeavours to disguise, and which threaten the security of every Potentate. His Majesty, invariable in his pacific dispositions, will be always ready to concur in every expedient, which may be judged proper to re-establish the public tranquility, and will make no difficulty of sacrificing, even his own interests, to the glory and consolation of restoring peace to his kingdom and to Europe.

By order of the King,

Signed LE DUC DE CHOISEUL.

*Preliminaries*



*Preliminary Articles of Peace, between his Britannic Majesty, the most Christian King, and the Catholic King, Signed at Fontainebleau, the 3d Day of November, 1762. [Printed from the Copy.]*

In the Name of the most Holy Trinity.

THE King of Great Britain, and the most Christian King, animated with the reciprocal desire to re-establish union and good understanding between them, as well for the good of mankind in general, as for that of their respective kingdoms, states, and subjects, having reflected, soon after the rupture between Great Britain and Spain, on the state of the negotiation of last year, (which unhappily had not the desired effect) as well as on the points in dispute between the Crowns of Great Britain and Spain; their Britannick and most Christian Majesties began a correspondence to endeavour to find means to adjust the differences subsisting between their said Majesties. At the same time, the most Christian King having communicated to the King of Spain these happy dispositions, his Catholic Majesty was animated with the same zeal for the good of mankind, and that of his subjects, and resolved to extend and multiply the fruits of peace by his concurrence in such laudable intentions. Their Britannick, most Christian, and Catholic Majesties, having, in consequence, maturely considered all the above points, as well as the different events which have happened during the course of the present negotiation, have, by mutual consent, agreed on the following articles, which shall serve as a basis to the future treaty of peace. For which purpose, his Britannick Majesty has named and authorised, John Duke and Earl of Bedford, Marquess of Tavistock, &c. Minister of state of the King of Great Britain, Lieutenant General of his Forces, Keeper of his Privy Seal, Knight of the most Noble Order of the Garter, and his Britannick Majesty's Minister Plenipotentiary to his most Christian Majesty; his most Christian Majesty, Cæsar Gabriel de Choiseul, Duke of Praslin, Peer of France, Knight of the most Christian King's Orders, Lieutenant General of his Forces, Counsellor in all his Councils,

Councils, and Minister and Secretary of State, of his Catholic Majesty, and his Commands, and Finances; and his Catholic Majesty likewise named and authorized, Don Jerome Grimaldi Marquis de Grimaldi, Knight of the most Christian King's Orders, Gentleman of the Bed-Chamber to his Catholic Majesty in Employment, and his Ambassador Extraordinary to his most Christian Majesty; who, after having duly communicated to each other their full powers in good form, have agreed on the following articles.

Article I. As soon as the Preliminaries shall be signed and ratified, sincere friendship shall be re-established between his Britannick Majesty and his most Christian Majesty, and between his said Britannick Majesty and his Catholic Majesty, their kingdoms, states, and subjects by sea, and by land, in all parts of the world. Orders shall be sent to the armies and squadrons, as well as to the subjects, of the three powers, to stop all hostilities, and to live in the most perfect union, forgetting what has passed, of which their Sovereigns give them the order as an example: And, for the execution of this article, a passport shall be given, on each side, for the ships, which shall be dispatched to carry the news of it to the respective possessions of the three powers.

II. His most Christian Majesty renounces all pretensions, which he has hereto formed, or might have formed to Nova Scotia, or Acadia, in all its parts, and guarantees the whole of it, with all its dependencies, to the King of Great Britain: Moreover, his most Christian Majesty cedes, and guarantees to his said Britannick Majesty, full right, Canada, with all its dependencies, as well the Island of Cape Breton, and all the other Islands, in the gulph, and river of St. Laurence, without restriction, and without any liberty to depart from this cession and guarantee, under any pretence, or to trouble Great Britain in the possessions above-mentioned. His Britannick Majesty on his side, agrees to grant to the inhabitants of Canada the liberty of the Catholic religion: He will, in consequence, give the most exact and the most effectual orders, that his new Roman Catholic subjects may prosecute the worship of their religion, according to the rites of the Roman Church, as far as the laws of Great Britain per-

His Britannick Majesty further agrees, that the French inhabitants, or others who would have been subjects of the most Christian King in Canada, may retire, in all safety and freedom, wherever they please; and may sell their estates, provided it be to his Britannick Majesty's subjects, and transport their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except debts, or criminal prosecutions: The term, limited for this emigration, being fixed to the space of eighteen months, to be computed from the day of the ratification of the definitive treaty.

III. The subjects of France shall have the liberty of fishing and drying, on a part of the coasts of the island of Newfoundland, such as it is specified in the XIIIth article of the treaty of Utrecht; which article shall be confirmed and renewed by the approaching definitive treaty, (except what regards the Island of Cape Breton, as well as the other Islands in the mouth and in the gulph of St. Laurence :) And his Britannick Majesty consents to leave to the most Christian King's subjects the liberty to fish in the gulph of St. Laurence, on condition that the subjects of France do not exercise the said fishery, but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent, as those of the islands situated in the said gulph of St. Laurence. And as to what relates to the fishery out of the said gulph, his most Christian Majesty's subjects shall not exercise the fishery, but at the distance of fifteen leagues from the coasts of the Island of Cape Breton.

IV. The King of Great Britain cedes the islands of St. Peter and of Miquelon, in full right, to his most Christian Majesty, to serve as a shelter for the French fishermen; and his said Majesty obliges himself, on his Royal Word, not to fortify the said islands; to erect no buildings there but merely for the conveniency of the fishery; and to keep there only a guard of fifty men for the police.

V. The town and port of Dunkirk shall be put into the state fixed by the last treaty of Aix la Chapelle, and by former treaties: The Cûnette shall remain as it now is, provided that the English Engineers, named by his Britannick



tannick Majesty, and received at Dunkirk by order of his most Christian Majesty, verify, that this Cunettee is only of use for the wholesomeness of the air, and the health of the inhabitants.

VI. In order to re-establish peace on the most solid and lasting foundations, and to remove for every subject of dispute with regard to the limits of the British and French territories on the continent of America; it is agreed, that, for the future, the confines between the dominions of his Britannick Majesty, and those of his most Christian Majesty, in that part of the world, shall be irrevocably fixed by a line drawn along the middle of the River Mississippi, from its source, as far as the River Iberville, and from thence, by a line drawn along the middle of this River, and of the Lakes Maurepas and Pontchartrain, to the sea; and to this purpose, the most Christian King cedes in full right, and guaranties to his Britannick Majesty, the River and Port of Mobile, and every thing that he possesses, or ought to have possessed, on the left side of the River Mississippi, except the town of New Orleans, and the island in which it is situated, which shall remain to France; provided that the navigation of the River Mississippi, shall be equally free, as well to the subjects of Great Britain, as to those of France, in its whole breadth and length, from its source to the sea, and that part expressly, which is between the said island of New Orleans, and the right bank of that River, as well as the passage both in and out of its mouth: It is further stipulated, that the vessels belonging to the subjects of either nation, shall not be stopped, visited, or subjected to the payment of any duty whatsoever. The stipulations, in favour of the inhabitants of Canada, inserted in the second article, shall also take place, with regard to the inhabitants of the countries ceded by this article.

VII. The King of Great Britain shall restore to France the islands of Gadeloupe, of Mariegalante, of Desirade, of Martinico, and of Bellisle; and the fortresses of these islands shall be restored in the same condition they were in, when they were conquered by the British arms; provided that the term of eighteen months, to be computed from the day of the ratification of the definitive treaty, shall be granted

granted to his Britannick Majesty's subjects, who may have settled in the said islands, and other places restored to France by the definitive treaty, to sell their estates, recover their debts, and to transport their effects, as well as their persons, without being restrained, on account of their religion, or under any other pretence whatsoever, except that of debts, or of criminal prosecutions.

VIII. The most Christian King cedes and guaranties to his Britannick Majesty, in full right, the islands of Grenada, and the Grenadines, with the same stipulations in favour of the inhabitants of this Colony, as are inserted in the II<sup>d</sup> article for those of Canada: And the partition of the islands called neutral, is agreed and fixed, so that those of St. Vincent, Dominico, and Tabago, shall remain in full right to England, and that of St. Lucia shall be delivered to France, to enjoy the same in like manner in full right: the two Crowns reciprocally guarantying to each other the partition so stipulated.

IX. His Britannick Majesty shall restore to France the island of Gorée in the condition it was in when conquered: and his most Christian Majesty cedes in full right, and guaranties to the King of Great Britain, Senegal.

X. In the East Indies, Great Britain shall restore to France the several Comptoirs, which that Crown had, on the coast of Coromandel, as well as on that of Malabar, and also in Bengal, at the commencement of hostilities between the two Companies in the year 1749, in the condition in which they now are, on condition that his most Christian Majesty renounces the acquisitions which he has made on the coast of Coromandel, since the said commencement of hostilities between the two Companies in the year 1749.

His most Christian Majesty, on his side, shall restore, all that he shall have conquered from Great Britain, in the East Indies, during the present war; and he also engages not to erect any fortifications, or to keep any troops in Bengal.

XI. The Island of Minorca shall be restored to his Britannick Majesty, as well as Fort St. Philip, in the same condition they were in, when they were conquered by the arms of the most Christian King; and with the artillery that

that was there at the taking of the said Island, and of the said fort.

XII. France shall restore all the countries belonging to the Electorate of Hanover, to the Landgrave of Hesse, to the Duke of Brunswick, and to the Count of La Lippe Buckebourg, which are, or shall be occupied by the arms of his most Christian Majesty: the fortresses of these different countries shall be restored in the same condition they were in, when they were conquered by the French Arms; and the pieces of artillery, which shall have been carried elsewhere, shall be replaced by the same number, of the same bore, weight, and metal: as to what regards hostages exacted or given, during the war, to this day, they shall be sent back without ransom.

XIII. After the ratification of the preliminaries, France shall evacuate, as soon as it can be done, the fortresses of Cleves, Wezel, and Guelders, and in general all the countries belonging to the King of Prussia; and, at the same time, the British and French armies shall evacuate all the countries which they occupy, or may then occupy, in Westphalia, Lower Saxony, on the Lower Rhine, the Upper Rhine, and in all the Empire; and each shall retire into the dominions of their respective Sovereigns: and their Britannick, and most Christian Majesties further engage, and promise, not to furnish any succour, of any kind, to their respective allies, who shall continue engaged in the present war in Germany.

XIV. The towns of Ostend and Nieuport shall be evacuated by his most Christian Majesty's troops, immediately after the signature of the present preliminaries.

XV. The decision of the prizes made on the Spaniards by the subjects of Great Britain, in time of peace, shall be referred to the courts of justice of the Admiralty of Great Britain, conformably to the rules established among all nations, so that the validity of the said prizes, between the British and Spanish nations, shall be decided and judged, according to the law of nations, and according to treaties, in the Courts of justice of the nation, who shall have made the capture.

XVI. His Britannick Majesty shall cause all the fortifications to be demolished, which his subjects shall have erected



in the Bay of Honduras, and other places of the territory of Spain in that part of the world, four months after the ratification of the definitive treaty : and his Catholick Majesty shall not, for the future, suffer the subjects of his Britannick Majesty, or their workmen, to be disturbed, or molested, under any pretence whatsoever, in their occupation of cutting, loading, and carrying away Logwood ; and for this purpose, they may build without hindrance, and occupy, without interruption, the houses and magazines, necessary for them, for their families, and for their effects ; and his said Catholick Majesty assures to them, by this article, the entire enjoyment of what is above stipulated.

XVII. His Catholic Majesty desists from all pretension, which he may have formed, to the right of fishing about the island of Newfoundland.

XVIII. The King of Great-Britain shall restore to Spain all that he has conquered in the island of Cuba, with the fortrefs of the Havana ; and that fortrefs, as well as all the other fortresses of the said island, shall be restored in the same condition they were in when they were conquered by his Britannick Majesty's arms.

XIX. In consequence of the restitution stipulated in the preceding article, his Catholick Majesty cedes and guarantees, in full right, to his Britannick Majesty, all that Spain possesses on the continent of North-America, to the East, or to the South-East, of the river Mississipi. And his Britannick Majesty agrees to grant to the inhabitants of this country, above ceded, the liberty of the Catholic religion : he will, in consequence, give the most exact and the most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Roman church, as far as the laws of Great-Britain permit. His Britannick Majesty farther agrees, that the Spanish inhabitants, or others who would have been subjects of the Catholick King in the said countries, may retire, in all safety and freedom, wherever they please ; and may sell their estates, provided it be to his Britannick Majesty's subjects, and transport their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except debts, or criminal prosecutions : the term, limited for this emigration, being fixed

fixed to the space of eighteen months, to be computed from the day of the ratification of the definitive treaty. It is further stipulated, that his Catholick Majesty shall have power to cause all the effects, that belong to him, either artillery or others, to be carried away.

XX. The King of Portugal, his Britannick Majesty's ally, is expressly included in the present preliminary articles. And their most Christian and Catholick Majesties engage to re-establish the antient peace and friendship between them and his most Faithful Majesty: And they promise,

1st. That there shall be a total cessation of hostilities between the crowns of Spain and Portugal, and between the Spanish and French troops, on the one side, and the Portuguese troops, and those of their allies, on the other, immediately after the ratification of these preliminaries: and that there shall be a like cessation of hostilities between the respective forces of the most Christian and Catholic Kings, on the one part, and those of the most Faithful King, on the other, in all other parts of the world, as well by sea as by land; which cessation shall be fixed on the same epochs, and under the same conditions, as that between Great-Britain, France and Spain, and shall continue till the conclusion of the definitive treaty between Great-Britain, France, Spain, and Portugal.

2d. That all his most Faithful Majesty's fortresses, and countries, in Europe, which shall have been conquered by the Spanish and French armies, shall be restored in the same condition they were in when they were conquered: and that, with regard to the Portuguese colonies in America, or elsewhere, if any change shall have happened in them, all things shall be put again on the same footing they were before the present war. And the most Faithful King shall be invited to accede to the present preliminary articles, as soon as shall be possible.

XXI. All the countries and territories, which may have been conquered, in any part of the world whatsoever, by the arms of their Britannick and most Faithful Majesties, as well as by those of their most Christian and Catholick Majesties, which are not included in the present articles, either under the title of cessions, or under the title of restitutions,

tutions, shall be restored without difficulty, and without requiring compensations.

XXII. As it is necessary to assign a fixed epoch for the restitutions, and the evacuations, to be made by each of the high contracting parties, it is agreed, that the British and French troops shall proceed, immediately after the ratification of the preliminaries, to the evacuation of the countries which they occupy in the Empire, or elsewhere, conformably to the XIIth and XIIIth articles.

The island of Belleisle shall be evacuated six weeks after the ratification of the definitive treaty, or sooner if it can be done.

Guadaloupe, Desirade, Mariegalante, Martinico, and St. Lucia, three months after the ratification of the definitive treaty, or sooner if it can be done.

Great-Britain shall, likewise, at the end of three months after the ratification of the definitive treaty, or sooner if it can be done, enter into possession of the river and of the port of Mobile, and of all that is to form the limits of the territory of Great-Britain, on the side of the river Mississippi, as they are specified in the VIth article.

The island of Goree shall be evacuated by Great-Britain, three months after the ratification of the definitive treaty; and the island of Minorca by France, at the same epoch, or sooner if it can be done. And according to the conditions of the IVth article, France shall also enter into possession of the islands of St. Peter, and of Miquelon, at the end of three months.

The Comptoirs in the East-Indies shall be restored six months after the ratification of the definitive treaty, or sooner if it can be done.

The island of Cuba, with the fortress of the Havana, shall be restored three months after the ratification of the definitive treaty, or sooner if it can be done. And at the same time Great-Britain shall enter into possession of the country ceded by Spain according to the XIXth article.

All the fortresses, and countries, of his most Faithful Majesty, in Europe, shall be restored immediately after the ratification of the definitive treaty: and the Portuguese colonies, which may have been conquered, shall be restored in the space of three months in the West-Indies, and of six



six months in the East-Indies, after the ratification of the definitive treaty, or sooner if it can be done.

In consequence whereof, the necessary orders shall be sent by each of the high contracting parties, with reciprocal passports for the ships which shall carry them, immediately after the ratification of the definitive treaty.

XXIII. All the treaties, of what nature soever, which existed before the present war, as well between their Britannick and most Christian Majesties, as between their Britannick and Catholick Majesties, as also between any of the above-named powers, and his most Faithful Majesty, shall be, as they are in effect, renewed, and confirmed, in all their points, which are not derogated from by the present preliminary articles; notwithstanding whatever may have been stipulated to the contrary by any of the high contracting parties: and all the said parties declare, that they will not suffer any privilege, favour, or indulgence, to subsist, contrary to the treaties above confirmed.

XXIV. The prisoners made respectively by the arms of their Britannick, most Christian, Catholick, and most Faithful Majesties, by land, and by sea, shall be restored reciprocally, and *bonâ fide*, after the ratification of the definitive treaty, without ransom, paying the debts they shall have contracted during their captivity. And each crown shall respectively pay the advances which shall have been made for the subsistence and maintenance of their prisoners; by the Sovereign of the country where they shall have been detained, according to the receipts and attested accounts, and other authentic titles which shall be furnished on each side.

XXV. In order to prevent all causes of complaints and disputes, which may arise, on account of ships, merchandizes, and other effects, which may be taken by sea, it is reciprocally agreed; that the ships, merchandizes, and effects, which may be taken in the channel, and in the north seas, after the space of twelve days, to be computed from the ratification of the present preliminary articles, shall be reciprocally restored on each side.

That the term shall be six weeks for the prizes taken from the channel, the British seas, and the north seas, as far as the Canary Islands inclusively, either in the Ocean, or in the Mediterranean.

Three

Three months, from the said Canary Islands as far as the Equinoctial Line, or Equator.

Lastly, six months, beyond the said Equinoctial Line, or Equator, and in all other parts of the world, without any exception, or other more particular description of time and place.

XXVI. The ratifications of the present preliminary articles shall be expedited in good and due form, and exchanged in the space of one month, or sooner if it can be done, to be computed from the day of the signature of the present articles.

In witness whereof, we the underwritten Ministers Plenipotentiary of his Britannick Majesty, of his most Christian Majesty, and of his Catholick Majesty, in virtue of our respective full powers, have signed the present preliminary articles, and have caused the seal of our arms to be put thereto.

Done at Fontainebleau, the third day of November, 1762.

*Bedford, C. P. S.*  
(L. S.)

*Choiseul, Duc  
de Praslin.*  
(L. S.)

*El Marq. de  
Grimaldi.*  
(L. S.)

Declaration, signed at *Fontainebleau*, the 3d of *November*, 1762, by the *French* Plenipotentiary, relating to the XIIIth Article of the Preliminaries.

HIS most Christian Majesty declares, that, in agreeing to the XIIIth article of the Preliminaries, signed this day, he does not mean to renounce the right of acquitting his debts to his allies; and that the remittances, which may be made on his part, in order to acquit the arrears that may be due on the subsidies of preceding years, are not to be considered as an infraction of the said article.

In witness whereof, I, the underwritten Minister Plenipotentiary of his most Christian Majesty, have signed the present declaration, and have caused the seal of my arms to be put thereto.

Done at Fontainebleau, the third day of November, 1762.

(L. S.) *Choiseul Duc de Praslin.*

*The*

*The Definitive Treaty of Peace and Friendship between his Britannick Majesty, the Most Christian King, and the King of Spain. Concluded at Paris; the 10th day of February, 1763. To which the King of Portugal acceded on the same day. [Printed from the Copy.]*

In the Name of the Most Holy and Undivided Trinity, Father, Son, and Holy Ghost. So be it.

**B**E it known to all those to whom it shall, or may, in any manner, belong,

It has pleased the Most High to diffuse the spirit of union and concord among the Princes; whose divisions had spread troubles in the four parts of the world, and to inspire them with the inclination to cause the comforts of peace to succeed to the misfortunes of a long and bloody war, which having arisen between England and France, during the reign of the most serene and most potent Prince, George the Second, by the grace of God, King of Great-Britain, of glorious memory, continued under the reign of the most serene and most potent Prince, George the Third, his successor, and, in its progress, communicated itself to Spain and Portugal: Consequently, the most serene and most potent Prince, George the Third, by his grace of God, King of Great-Britain, France, and Ireland, Duke of Brunswick and Lunenbourg, Arch-Treasurer, and Elector, of the Holy Roman Empire; the most serene and most potent Prince, Lewis the Fifteenth, by the grace of God, Most Christian King; and the most serene and most potent Prince, Charles the Third, by the Grace of God, King of Spain and of the Indies, after having laid the foundations of peace in the Preliminaries, signed at Fontainebleau the third of November last; and the most serene and most potent Prince, Don Joseph the First, by the grace of God, King of Portugal and of the Algarves, after having acceded thereto, determined to compleat, without delay, this great and important work. For this purpose, the high contracting parties have named and appointed their respective Ambassadors Extraordinary and Ministers Plenipotentiary, viz. his Sacred Majesty the King of Great-Britain, the most illustrious and most excel-

lent



lent Lord, John Duke and Earl of Bedford, Marquess of Tavistock, &c. his Minister of State, Lieutenant General of his Armies, Keeper of his Privy Seal, Knight of the most Noble Order of the Garter, and his Ambassador Extraordinary and Minister Plenipotentiary to his most Christian Majesty; his Sacred Majesty the most Christian King, the most illustrious and most excellent Lord, César Gabriel de Choiseul, Duke of Praslin, Peer of France, Knight of his Orders, Lieutenant General of his Armies and of the province of Brittany, Counsellor in all his Councils, and Minister and Secretary of State, and of his Commands and Finances; his Sacred Majesty the Catholic King, the most illustrious and most excellent Lord, Don Jeronimo Grimaldi, Marquis de Grimaldi, Knight of the most Christian King's Orders, Gentleman of his Catholick Majesty's Bed-Chamber in Employment, and his Ambassador Extraordinary to his most Christian Majesty; his Sacred Majesty the most Faithful King, the most illustrious and most excellent Lord, Martin de Mello and Castro, Knight Professed of the order of Christ, of his most Faithful Majesty's council, and his Ambassador, and Minister Plenipotentiary, to his most Christian Majesty.

Who, after having duly communicated to each other their full powers, in good form, copies whereof are transcribed at the end of the present treaty of peace, have agreed upon the articles, the tenor of which is as follows.

Article I. There shall be a christian, universal, and perpetual peace, as well by sea as by land, and a sincere and constant friendship shall be re-established between their Britannick, most Christian, Catholick, and most Faithful Majesties, and between their heirs and successors, kingdoms, dominions, provinces, countries, subjects, and vassals, of what quality or condition soever they be, without exception of places or of persons: So that the high contracting parties shall give the greatest attention to maintain between themselves, and their said dominions and subjects, this reciprocal friendship and correspondence, without permitting, on either side, any kind of hostilities, by sea or by land, to be committed from henceforth, for any cause, or under any pretence whatsoever, and every thing shall be carefully avoided, which might, hereafter, Vol. II. T prejudice

prejudice the union happily re-established, applying themselves, on the contrary, on every occasion, to procure for each other whatever may contribute to their mutual glory, interests, and advantages, without giving any assistance or protection, directly or indirectly, to those who would cause any prejudice to either of the high contracting parties: there shall be a general oblivion of every thing that may have been done or committed before, or since the commencement of the war, which is just ended.

II. The treaties of Westphalia of 1648; those of Madrid between the crowns of Great-Britain and Spain of 1667, and 1670; the treaties of peace of Nimeguen of 1678; and 1679; of Ryswyck of 1697; those of peace and of commerce of Utrecht of 1713; that of Baden of 1714; the treaty of the triple alliance of the Hague of 1717; that of the quadruple alliance of London of 1718; the treaty of peace of Vienna of 1738; the definitive treaty of Aix la Chapelle of 1748; and that of Madrid, between the crowns of Great-Britain and Spain, of 1750; as well as the treaties between the crowns of Spain and Portugal of the 13th of February, 1668; of the 6th of February, 1715; and of the 12th of February, 1761; and that of the 11th of April, 1713, between France and Portugal with the guaranties of Great-Britain; serve as a basis and foundation to the peace, and to the present treaty: and for this purpose, they are all renewed and confirmed in the best form, as well as all the general, which subsisted between the high contracting parties before the war, as they were inserted here word for word, so that they are to be exactly observed, for the future, in their whole tenor and religiously executed on all sides, in all their points which shall not be derogated from by the present treaty notwithstanding all that may have been stipulated to the contrary by any of the high-contracting parties: and all the said parties declare, that they will not suffer any privilege, favour, or indulgence to subsist, contrary to the treaties above confirmed, except what shall have been agreed and stipulated by the present treaty.

III. All the prisoners made, on all sides, as well by land as by sea, and the hostages carried away, or given during the war, and to this day, shall be restored, with

but ransom, six weeks, at latest, to be computed from the day of the exchange of the ratification of the present treaty, each crown respectively paying the advances, which shall have been made for the subsistence and maintenance of their prisoners, by the Sovereign of the country where they shall have been detained, according to the attested receipts and estimates, and other authentic vouchers, which shall be furnished on one side and the other. And securities shall be reciprocally given for the payment of the debts which the prisoners shall have contracted in the countries, where they have been detained, until their entire liberty. And all the ships of war and merchant vessels, which shall have been taken since the expiration of the terms agreed upon for the cessation of hostilities by sea, shall likewise be restored bona fide, with all their crews and cargoes: and the execution of this article shall be proceeded upon immediately after the exchange of the ratifications of this treaty.

IV. His most Christian Majesty renounces all pretensions, which he has heretofore formed, or might have formed, to Nova Scotia, or Acadia, in all its parts, and guaranties the whole of it, and with all its dependencies, to the King of Great Britain: Moreover, his most Christian Majesty cedes, and guaranties to his said Britannick Majesty, in full right, Canada, with all its dependencies, as well as the Island of Cape Breton, and all the other Islands and Coasts, in the gulph and river of St. Laurence, and in general, every thing that depends on the said Countries, Lands, Islands, and Coasts, with the sovereignty, property, possession, and all rights acquired by treaty, or otherwise, which the most Christian King, and the crown of France, have had, till now, over the said Countries, Islands, Lands, Places, Coasts, and their inhabitants, so that the most Christian King cedes and makes over the whole to the said King, and to the crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession and guaranty, under any pretence, or to disturb Great Britain in the possessions above-mentioned. His Britannick Majesty, on his side, agrees to grant the liberty of the Catholick religion to the inhabitants of Canada: He



will, in consequence, give the most precise and most effectual orders, that his new Roman Catholick subjects may profess the worship of their religion, according to the rites of the Romish Church, as far as the laws of Great Britain permit. His Britannick Majesty further agrees, that the French inhabitants, or others who had been subjects of the most Christian King in Canada, may retire, with all safety and freedom, wherever they shall think proper, and may sell their estates, provided it be to the subjects of his Britannic Majesty, and bring away their effects, as well as their persons, without being restrained in their emigration under any pretence whatsoever, except that of debts, or criminal prosecutions: The term, limited for this emigration, shall be fixed to the space of eighteen months, to be computed from the day of the exchange of the ratification of the present treaty.

V. The subjects of France shall have the liberty of fishing and drying, on a part of the coasts of the island of Newfoundland, such as it is specified in the XIIIth article of the treaty of Utrecht; which article is renewed and confirmed by the present treaty, (except what relates to the Island of Cape Breton, as well as to the other Islands and Coasts, in the mouth and in the gulph of St. Laurence). And his Britannick Majesty consents to leave to the subjects of the most Christian King, the liberty of fishing in the gulph St. Laurence, on condition that the subjects of France do not exercise the said fishery, but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent, as those of the Islands situated in the said gulph St. Laurence. And as to what relates to the fishery on the coasts of the Island of Cape Breton, out of the said gulph, the subjects of the most Christian King shall not be permitted to exercise the said fishery, but at the distance of fifteen leagues from the coasts of the Island of Cape Breton; and the fishery on the coasts of Nova Scotia or Acadia, and every where out of the said Gulph; shall remain on the foot of former treaties.

VI. The King of Great Britain cedes the islands of Pierre and Miquelon, in full right, to his most Christian Majesty, to serve as a shelter to the French fish-

men; and his said most Christian Majesty engages not to fortify the said islands; to erect no buildings upon them, but merely for the conveniency of the fishery; and to keep upon them a guard of fifty men only for the police.

VII. In order to re-establish peace on solid and durable foundations, and to remove for ever all subject of dispute with regard to the limits of the British and French territories on the continent of America; it is agreed, that, for the future, the confines between the dominions of his Britannick Majesty, and those of his most Christian Majesty, in that part of the world, shall be fixed irrevocably by a line drawn along the middle of the River Mississippi, from its source, to the River Iberville, and from thence, by a line drawn along the middle of this River, and the Lakes Maurepas and Pontchartrain, to the sea; and for this purpose, the most Christian King cedes in full right, and guaranties to his Britannick Majesty, the River and Port of the Mobile, and every thing which he possesses, or ought to possess, on the left side of the River Mississippi, except the town of New Orleans, and the land in which it is situated, which shall remain to France; provided that the navigation of the River Mississippi, shall be equally free, as well to the subjects of Great Britain, as to those of France, in its whole breadth and length, from its source to the sea, and expressly that part, which lies between the said island of New Orleans, and the right bank of that River, as well as the passage both in and out of its mouth: It is further stipulated, that the vessels belonging to the subjects of either nation, shall not be stopped, visited, or subjected to the payment of any duty whatsoever. The stipulations, inserted in the IVth article, in favour of the inhabitants of Canada, shall also take place, with regard to the inhabitants of the countries ceded by this article.

VIII. The King of Great Britain shall restore to France the islands of Gaudeloupe, of Mariegalante, of Desirade, of Martinico, and of Bellisle; and the fortresses of these islands shall be restored in the same condition they were in, when they were conquered by the British arms; provided that his Britannick Majesty's subjects, who shall have set-

tled in the said islands, or those who shall have any commercial affairs to settle there, or in the other places restored to France by the present treaty, shall have liberty to sell their lands and their estates, to settle their affairs, to recover their debts, and to bring away their effects, as well as their persons, on board vessels, which they shall be permitted to send to the said islands, and other places restored as above, and which shall serve for this use only, without being restrained, on account of their religion, or under any other pretence whatsoever, except that of debts, or of criminal prosecutions; and for this purpose, the term of eighteen months is allowed to his Britannick Majesty's subjects, to be computed from the day of the exchange of the ratifications of the present treaty; but, as the liberty, granted to his Britannick Majesty's subjects, to bring away their persons and their effects, in vessels of their nation, may be liable to abuses, if precautions were not taken to prevent them; it has been expressly agreed between his Britannick Majesty and his most Christian Majesty, that the number of English vessels, which shall have leave to go to the said islands and places restored to France, shall be limited, as well as the number of tons of each one; that they shall go in ballast; shall set sail at a fixed time; and shall make one voyage only, all the effects, belonging to the English, being to be embarked at the same time. It has been further agreed, that his most Christian Majesty shall cause the necessary passports to be given to the said vessels; that for the greater security, it shall be allowed to place two French Clerks, or Guards, in each of the said vessels which shall be visited in the landing places, and ports of the said islands, and places, restored to France, and that the merchandize, which shall be found therein, shall be confiscated.

IX. The most Christian King cedes and guaranties to his Britannick Majesty, in full right, the islands of Grenada, and the Grenadines, with the same stipulations in favour of the inhabitants of this Colony, inserted in the IVth article for those of Canada: And the partition of the islands called neutral, is agreed and fixed, so that those of St. Vincent, Dominico, and Tobago, shall remain in full right to Great Britain, and that of St. Lucia shall



be delivered to France, to enjoy the same likewise in full right: and the high contracting parties guaranty the partition so stipulated.

X. His Britannick Majesty shall restore to France the Island of Gorée in the condition it was in when conquered; and his most Christian Majesty cedes in full right, and guaranties to the King of Great Britain the River Senegal, with the forts and factories of St. Lewis, Podor, and Galam, and with all the rights and dependencies of the said River Senegal.

XI. In the East Indies, Great Britain shall restore to France, in the condition they are now in, the different factories, which that Crown possessed, as well as on the coast of Coromandel, and Orixá, as on that of Malabar, as also in Bengal, at the beginning of the year 1749. And his most Christian Majesty renounces all pretension to the acquisitions which he has made on the coast of Coromandel and Orixá, since the said beginning of the year 1749. His most Christian Majesty shall restore, on his side, all that he may conquered from Great Britain, in the East Indies, during the present war; and will expressly cause Nattal and Tapanouilly, in the island of Sumatra, to be restored; he engages further, not to erect fortifications, or to keep troops in any part of the dominions of the Subah of Bengal. And in order to preserve future peace on the Coast of Coromandel and Orixá, the English and French shall acknowledge Mahomet Ally Khan for lawful Nabob of the Carnatick, and Salabat Jíng for lawful Subah of the Decan; and both parties shall renounce all demands and pretensions of satisfaction, with which they might charge each other, or their Indian allies, for the depredations, or pillage, committed, on the one side, or on the other, during the war.

XII. The Island of Minorca shall be restored to his Britannick Majesty, as well as Fort St. Philip, in the same condition they were in, when conquered by the arms of the most Christian King; and with the artillery which was there, when the said Island, and the said fort were taken.

XIII. The town and port of Dunkirk shall be put into thy state fixed by the last treaty of Aix la Chapelle, and be former

former treaties. The CUNETTE shall be destroyed immediately after the exchange of the ratifications of the present treaty, as well as the forts and batteries which defend the entrance on the side of the sea; and provision shall be made, at the same time, for the wholesomeness of the air, and for the health of the inhabitants, by some other means, to the satisfaction of the King of Great Britain.

XIV. France shall restore all the countries belonging to the Electorate of Hanover, to the Landgrave of Hesse, to the Duke of Brunswick, and to the Count of La Lippe Buckebourg, which are, or shall be occupied by his most Christian Majesty's arms: the fortresses of these different countries shall be restored in the same condition they were in, when conquered by the French Arms; and the pieces of artillery, which shall have been carried elsewhere, shall be replaced by the same number, of the same bore, weight, and metal.

XV. In case the stipulations, contained in the XIIIth article of the preliminaries, should not be completed at the time of the signature of the present treaty, as well with regard to the evacuations to be made by the armies of France of the fortresses of Cleves, Wezel, Guelders, and of all the countries belonging to the King of Prussia, as with regard to the evacuations to be made by the British and French armies of the countries which they occupy in Westphalia, Lower Saxony, on the Lower Rhine, the Upper Rhine, and in all the Empire; and to the retreat of the troops into the dominions of their respective Sovereigns: their Britannick, and most Christian Majesties promise to proceed, *bonâ fide*, with all the dispatch the case will permit of, to the said evacuations, the entire completion whereof they stipulate before the 15th of March next, or sooner if it can be done; and their Britannick and most Christian Majesties further engage, and promise to each other, not to furnish any succours, of any kind, to their respective allies, who shall continue engaged in the war in Germany.

XVI. The decision of the prizes made, in time of peace, by the subjects of Great Britain, on the Spaniards, shall be referred to the Courts of justice of the Admiralty of Great Britain, conformably to the rules established

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among all nations, so that the validity of the said prizes, between the British and Spanish nations, shall be decided and judged, according to the law of nations, and according to treaties, in the courts of justice of the nation, who shall have made the capture.

XVII. His Britannick Majesty shall cause to be demolished all the fortifications which his subjects shall have erected in the Bay of Honduras, and other places of the territory of Spain in that part of the world, four months after the ratification of the present treaty: and his Catholick Majesty shall not permit his Britannick Majesty subjects, or their workmen, to be disturbed, or molested, under any pretence whatsoever, in the said places, in their occupation of cutting, loading, and carrying away Logwood; and for this purpose, they may build without hindrance, and occupy, without interruption, the houses and magazines, necessary for them, for their families, and for their effects: and his Catholick Majesty assures to them, by this article, the full enjoyment of those advantages, and powers, on the Spanish coasts and territories, as above stipulated, immediately after the ratification of the present treaty.

XVIII. His Catholick Majesty desists, as well for himself, as for his successors, from all pretension, which he may have formed, in favour of the Guipulcoans, and other his subjects, to the right of fishing in the neighbourhood of the island of Newfoundland.

XIX. The King of Great-Britain shall restore to Spain all the territory which he has conquered in the island of Cuba, with the fortress of the Havana; and this fortress, as well as all the other fortresses of the said island, shall be restored in the same condition they were in when conquered by his Britannick Majesty's arms; provided, that his Britannick Majesty's subjects, who shall have settled in the said island, restored to Spain by the present treaty, or those who shall have any commercial affairs to settle there, shall have liberty to sell their lands, and their estates, to settle their affairs, to recover their debts, and to bring away their effects, as well as their persons, on board vessels which they shall be permitted to send to the said island restored as above, and which shall serve



serve for that use only, without being restrained on account of their religion, or under any other pretence whatsoever, except that of debts, or of criminal prosecutions: And for this purpose, the term of eighteen months is allowed to his Britannick Majesty's subjects, to be computed from the day of the exchange of the ratifications of the present treaty: but as the liberty, granted to his Britannick Majesty's subjects, to bring away their persons, and their effects, in vessels of their nation, may be liable to abuses, if precautions were not taken to prevent them; it has been expressly agreed, between his Britannick Majesty and his Catholick Majesty, that the number of English vessels, which shall have leave to go to the said island restored to Spain, shall be limited, as well as the number of tons of each one; that they shall go in ballast; shall set sail at a fixed time; and shall make one voyage only; all the effects belonging to the English being to be embarked at the same time: it has been further agreed, that his Catholick Majesty shall cause the necessary passports to be given to the said vessels; that, for the greater security, it shall be allowed to place two Spanish clerks, or guards, in each of the said vessels, which shall be visited in the landing-places, and ports of the said island restored to Spain, and that the merchandize, which shall be found therein, shall be confiscated.

XX. In consequence of the restitution stipulated in the preceding article, his Catholick Majesty cedes and guarantees, in full right, to his Britannick Majesty, Florida, with Fort St. Augustin, and the Bay of Pensacola, as well as all that Spain possesses on the continent of North-America, to the East, or to the South-East, of the river Mississippi. And, in general, every thing that depends on the said countries and lands, with the sovereignty, property, possession, and all rights, acquired by treaties or otherwise, which the Catholick King, and the crown of Spain, have had till now, over the said countries, lands, places, and their inhabitants; so that the Catholick King cedes and makes over the whole to the said King, and to the crown of Great Britain, and that in the most ample manner and form. His Britannick Majesty agrees, on his side, to grant to the inhabitants of the countries above ceded, the liberty

liberty of the Catholic religion: he will consequently give the most express and the most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Romish church, as far as the laws of Great-Britain permit. His Britannick Majesty farther agrees, that the Spanish inhabitants, or others who had been subjects of the Catholick King in the said countries, may retire, with all safety and freedom, wherever they think proper; and may sell their estates, provided it be to his Britannick Majesty's subjects, and bring away their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except that of debts, or of criminal prosecutions: the term, limited for this emigration, being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty. It is moreover stipulated, that his Catholick Majesty shall have power to cause all the effects, that may belong to him, to be brought away, whether it be artillery or other things.

XXI. The French and Spanish troops shall evacuate all the territories, lands, towns, places, and castles, of his his most faithful Majesty, in Europe, without any reserve, which shall have been conquered by the armies of France and Spain, and shall restore them in the same condition they were in when conquered, with the same artillery, and ammunition, which were found there: And with regard to the Portuguese Colonies in America, Africa, or in the East Indies, if any change shall have happened there, all things shall be restored on the same footing they were in, and conformably to the preceding treaties which subsisted between the Courts of France, Spain, and Portugal, before the present war.

XXII. All the papers, letters, documents, and archives, which were found in the countries, territories, towns, and places, that are restored, and those belonging to the countries ceded, shall be, respectively and *bonâ fide*, delivered, or furnished at the same time, if possible, that possession is taken, or, at latest, four months after the exchange of the ratifications of the present treaty, in whatever places the said papers or documents may be found.

XXIII.

XXIII. All the countries and territories, which may have been conquered, in whatsoever part of the world, by the arms of their Britannick and most Faithful Majesties, as well as by those of their most Christian and Catholick Majesties, which are not included in the present treaty, either under the title of cessions, or under the title of restitutions, shall be restored without difficulty, and without requiring any compensations.

XXIV. As it is necessary to assign a fixed epoch for the restitutions, and the evacuations, to be made by each of the high contracting parties, it is agreed, that the British and French troops shall compleat, before the 15th of March next, all that shall remain to be executed of the XIIth and XIIIth articles of the preliminaries, signed the 3d day of November last, with regard to the evacuation to be made in the Empire, or elsewhere. The island of Belleisle shall be evacuated six weeks after the exchange of the ratifications of the present treaty, or sooner if it can be done. Guadaloupe, Desirade, Mariegalante, Martinico, and St. Lucia, three months after the exchange of the ratifications of the present treaty, or sooner if it can be done. Great-Britain shall likewise, at the end of three months after the exchange of the ratifications of the present treaty, or sooner if it can be done, enter into possession of the river and port of the Mobile, and of all that is to form the limits of the territory of Great-Britain, on the side of the river Mississippi, as they are specified in the VIIth article. The island of Goree shall be evacuated by Great-Britain, three months after the exchange of the ratifications of the present treaty; and the island of Minorca, by France, at the same epoch, or sooner if it can be done: And according to the conditions of the VIth article, France shall likewise enter into possession of the islands of St. Peter, and of Miquelon, at the end of three months after the exchange of the ratifications of the present treaty. The Factories in the East-Indies shall be restored six months after the exchange of the ratifications of the present treaty, or sooner if it can be done. The fortress of the Havana, with all that has been conquered in the island of Cuba, shall be restored three months after the exchange of the ratifications of the present treaty, or sooner if it can be done:

And,



And, at the same time, Great-Britain shall enter into possession of the country ceded by Spain according to the XXth article. All the places and countries of his most Faithful Majesty, in Europe, shall be restored immediately after the exchange of the ratification of the present treaty : And the Portuguese colonies, which may have been conquered, shall be restored in the space of three months in the West-Indies, and of six months in the East-Indies; after the exchange of the ratifications of the present treaty, or sooner if it can be done. All the fortresses, the restitution whereof is stipulated above, shall be restored with the artillery and ammunition, which were found there at the time of the conquest. In consequence whereof, the necessary orders shall be sent by each of the high contracting parties, with reciprocal passports for the ships that shall carry them, immediately after the exchange of the ratifications of the present treaty.

XXV. His Britannick Majesty, as elector of Brunswick Lunenbourg, as well for himself, as for his heirs and successors, and all the dominions and possessions of his said Majesty in Germany, are included and guaranteed by the present treaty of peace.

XXVI. Their sacred Britannick, most Christian, Catholick, and most Faithful Majesties, promise to observe, sincerely and *bona fide*, all the articles contained and settled in the present treaty ; and they will not suffer the same to be infringed, directly or indirectly, by their respective subjects ; and the said high contracting parties, generally and reciprocally, guaranty to each other all the stipulations of the present treaty.

XXVII. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged in this City of Paris, between the high contracting parties, in the space of a month, or sooner if possible, to be computed from the day of the signature of the present treaty.

In witness whereof, we the underwritten their Ambassadors Extraordinary, and Ministers Plenipotentiary, have signed with our hand, in their name, and in virtue of our full powers, have signed the present definitive treaty, and have

have caused the seal of our arms to be put thereto. Done  
at Paris the tenth day of February, 1763.

Bedford, C. P. S.

(L. S.)

Choiseul, Duc

de Praslin.

(L. S.)

El Marq. de

Grimaldi.

(L. S.)

### Separate Articles.

I. **S**OME of the titles made use of by the contracting powers, either in the full powers, and other acts, during the course of the negotiation, or in the preamble of the present treaty, not being generally acknowledged; it has been agreed, that no prejudice shall ever result therefrom to any of the said contracting parties, and that the titles, taken or omitted, on either side, on occasion of the said negotiation, and of the present treaty, shall not be cited, or quoted as a precedent.

II. It has been agreed and determined; that the French Language, made use of in all the copies of the present treaty, shall not become an example, which may be alledged, or made a precedent of, or prejudice, in any manner, any of the contracting powers; and that they shall conform themselves, for the future, to what has been observed, and ought to be observed, with regard to, and on the part of powers, who are used, and have a right, to give and to receive copies of like treaties in another language than French; the present treaty having still the same force and effect, as if the aforesaid custom had been therein observed.

III. Though the King of Portugal has not signed the present definitive treaty, their Britannick, most Christian, and Catholick Majesties, acknowledge, nevertheless, that his most Faithful Majesty is formally included therein as a contracting party, and as if he had expressly signed the said treaty: Consequently, their Britannick, most Christian, and Catholick Majesties, respectively and conjointly, promise to his most Faithful Majesty, in the most expresse and most binding manner, the execution of all and every the clauses, contained in the said treaty. on his act of accession,

The

The present Separate Articles shall have the same force as if they were inserted in the treaty.

In witness whereof, We the under-written Ambassadors Extraordinary, and Ministers Plenipotentiary of their Britannick, most Christian, and Catholick Majesties, have signed the present Separate Articles, and have caused the seal of our arms to be put thereto.

Done at Paris, the 10th of February, 1763.

Bedford, C. P. S. Cholsoul, Duc El Marq. de  
(L. S.) de Praslin. Grimaldi.  
(L. S.) (L. S.)

His Britannick Majesty's Full Power.

GEORGE R.

GEORGE the Third, by the grace of God, King of Great-Britain, France, and Ireland, Defender of the Faith, Duke of Brunswick and Lunenbourg, Arch-Treasurer, and Prince Elector, of the Holy Roman Empire, &c. To all and singular to whom these presents shall come, Greeting. Whereas, in order to perfect the peace, between Us and our good Brother the most Faithful King, on the one part, and our good Brothers the most Christian and Catholick Kings, on the other, which has been happily begun by the Preliminary Articles already signed at Fontainebleau the 3d of this month; and to bring the same to the desired end, We have thought proper to invest some fit person with full authority, on our part; Know ye, that We, having most entire confidence in the fidelity, judgment, skill, and ability in managing affairs of the greatest consequence, of our right trusty, and right entirely beloved Cousin and Counsellor, John Duke and Earl of Bedford, Marquess of Tavistock, Baron Russel of Cheney, Baron Russel of Thornhaugh, and Baron Howland of Streatham, Lieutenant-General of our Forces, Keeper of our Privy Seal, Lieutenant and Custos Rotulorum of the counties of Bedford and Devon, Knight of our most noble order of the Garter, and our Ambassador Extraordinary and Plenipotentiary to our good Brother the most Christian King, have nominated, made, constituted, and appointed,



appointed, as by these presents, we do nominate, make, constitute, and appoint Him, our true, certain, and undoubted Minister, Commissary, Deputy, Procurator, and Plenipotentiary, giving to him all and all manner of power, faculty, and authority, as well as our general and special command (yet so as that the general do not derogate from the special, or on the contrary) for Us and in our name, to meet and confer, as well singly and separately, as jointly, and in a body, with the Ambassadors, Commissaries, Deputies, and Plenipotentiaries, of the Princes, whom it may concern, vested with sufficient power and authority for that purpose, and with them to agree upon, treat, consult, and conclude, concerning the re-establishing, as soon as may be, a firm and lasting peace, and sincere friendship and concord; and whatever shall be so agreed and concluded, for Us and in our name, to sign, and to make a treaty or treaties, on what shall have been so agreed and concluded, and to transact every thing else that may belong to the happy completion of the aforesaid work, in as ample a manner and form, and with the same force and effect, as We ourselves, if we were present, could do and perform; engaging and promising, on our royal word, that we will approve, ratify, and accept, in the best manner, whatever shall happen to be transacted and concluded by our said Plenipotentiary, and that We will never suffer any person to infringe or act contrary to the same, either in the whole or in part. In witness and confirmation whereof We have caused our great Seal of Great-Britain to be affixed to these presents, signed with our royal hand. Given at our Palace at St. James's, the 12th day of November, 1762, in the third year of our reign.

#### His Most Christian Majesty's Full Power.

**L**EWIS, by the grace of God, King of France and Navarre, To all who shall see these presents, Greeting. Whereas the Preliminaries, signed at Fontainebleau the 3d of November of the last year, laid the foundation of the peace re-established between us and our most dear and most beloved good Brother and Cousin the King of Spain, on the one part, and our most dear and most be-

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loved good Brother the King of Great-Britain, and our  
 most dear and most beloved good Brother and Cousin the  
 King of Portugal, on the other, We have had nothing  
 more at heart, since that happy epoch, than to consolidate  
 and strengthen, in the most lasting manner, so salutary  
 and so important a work, by a solemn and definitive treaty  
 between Us and the said powers. For these causes, and  
 other good considerations, Us thereunto moving, We,  
 trusting entirely in the capacity and experience, zeal and  
 fidelity for our service, of our most dear and well-beloved  
 Cousin, Cæsar Gabriel de Choiseul, Duke of Praslin, Peer  
 of France, Knight of our Orders, Lieutenant General of  
 our Forces and of the province of Britany, Counsellor in all  
 our Councils, Minister and Secretary of State, and of our  
 Commands and Finances, We have named, appointed,  
 and deputed him, and by these presents, signed with our  
 hand, do name, appoint, and depute him, our Minister  
 Plenipotentiary, giving him full and absolute power to act  
 in that quality, and to confer, negotiate, treat, and agree,  
 jointly with the Minister Plenipotentiary of our most dear  
 and most beloved good Brother the King of Great-Britain,  
 the Minister Plenipotentiary of our most dear and most  
 beloved good Brother and Cousin the King of Spain, and  
 the Minister Plenipotentiary of our most dear and most  
 beloved good Brother and Cousin the King of Portugal,  
 vested with full powers, in good form, to agree, conclude,  
 and sign, such articles, conditions, conventions, declara-  
 tions, definitive treaty, accessions, and other acts whatso-  
 ever, that he shall judge proper for securing and strengthen-  
 ing the great work of peace, the whole with the same la-  
 titude and authority, that We ourselves might do, if We  
 were there in person, even though there should be some-  
 thing which might require a more special order than what  
 is contained in these presents, promising on the faith and  
 word of a King, to approve, keep firm and stable for  
 ever, to fulfil and execute punctually, all that our said  
 Cousin, the Duke of Praslin, shall have stipulated, pro-  
 mised, and signed, in virtue of the present full power,  
 without ever acting contrary thereto, or permitting any-  
 thing contrary thereto, for any cause, or under any pre-  
 sence whatsoever, as also to cause our letters of ratification

to be expedited in good form, and to cause them to be delivered, in order to be exchanged within the time that shall be agreed upon. For such is our pleasure. In witness whereof, we have caused our Seal to be put to these presents. Given at Versailles the 7th day of the month of February, in the year of Grace 1763, and of our reign the forty-eighth. Signed Lewis, and on the fold, by the King, the Duke of Choiseul. Sealed with the great Seal of yellow Wax.

His Catholick Majesty's full Power.

**D**ON Carlos, by the grace of God, King of Castile, of Leon, of Arragon, of the two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corfica, of Murcia, of Jaen, of the Algarves, of Algecira, of Gibraltar, of the Canary Islands, of the East and West-Indies, Islands and Continent, of the Ocean, Arch-Duke of Austria, Duke of Burgundy, of Brabant and Milan, Count of Hapsburg, of Flanders, of Tirol and Barcelona; Lord of Biscay and of Molino, &c. Whereas preliminaries of a solid and lasting peace between this Crown, and that of France on the one part, and that of England and Portugal on the other, were concluded and signed in the Royal Residence of Fontainebleau, the 3d of November of the present year, and the respective ratifications thereof exchanged on the 22d of the same month by Ministers authorized for that purpose, wherein it is promised, that a definitive treaty should be forthwith entered upon, having established and regulated the chief points upon which it is to turn: and whereas in the same manner as I granted to you, Don Jerome Grimaldi, Marquis de Grimaldi, Knight of the Order of the Holy Ghost, Gentleman of my Bed-Chamber with employment, and my Ambassador Extraordinary to the most Christian King, my full power to treat, adjust, and sign the before-mentioned preliminaries, it is necessary to grant the same to you, or to some other, to treat, adjust, and sign the promised definitive treaty of peace as aforesaid: therefore, to you the said Don Jerome Grimaldi, Marquis de Grimaldi



are at the convenient place, and as I have every day fresh motives, from your approved fidelity and zeal, capacity and prudence, to entrust to you this, and other like concerns of my Crown, I have appointed you my Minister Plenipotentiary, and granted to you my full power, to the end, that, in my name, and representing my person, you may treat, regulate, settle and sign the said definitive treaty of peace between my Crown, and that of France on the one part, that of England, and that of Portugal on the other, with the Ministers who shall be equally and specially authorized by their respective Sovereigns for the same purpose; acknowledging, as I do from this time acknowledge, as accepted and ratified, whatever you shall so treat, conclude and sign; promising on my Royal Word, that I will observe and fulfill the same, will cause it to be observed and fulfilled, as if it had been treated, concluded and signed by myself. In witness whereof, I have caused these presents to be dispatched, signed by my hand, sealed with my privy seal, and countersigned by my underwritten Counsellor of State, and first Secretary for the department of State and of War: Buen Retiro, the tenth of December, 1762.

(Signed) I THE KING.

(And lower) *Richard Wall.*

Declaration of his most Christian Majesty's Plenipotentiary, with regard to the Debts due to the Canadians.

THE King of Great Britain having desired, that the payment of the letters of exchange and bills, which had been delivered to the Canadians for the necessities furnished to the French troops, should be secured, his most Christian Majesty, entirely disposed to render to every one that justice which is legally due to them, has declared, and does declare, that the said bills, and letters of exchange, shall be punctually paid, agreeably to a liquidation made at a convenient time, according to the distance of the places, and to what shall be possible, taking care, however, that, the bills and letters of exchange, which the French subjects may have at the time of this declaration, be not confounded with the bills and letters of exchange,

which are in the possession of the new subjects of the King of Great Britain.

In witness whereof, we the underwritten Minister of his most Christian Majesty, duly authorized for this purpose, have signed the present declaration, and caused the Seal of our Arms to be put thereto.

Done at Paris the 10th of February, 1763.

(L. S.) *Choiseul Duc de Praslin.*

Declaration of his Britannick Majesty's Ambassador Extraordinary and Plenipotentiary, with regard to the Limits of Bengal in the East Indies.

**W**E the underwritten Ambassador Extraordinary and Plenipotentiary of the King of Great Britain, in order to prevent all subject of dispute on account of the limits of the Dominions of the Subah of Bengal, as well as of the Coast of Coromandel and Orixá, declare, in the Name and by order of his said Britannick Majesty, that the said Dominions of the Subah of Bengal shall be reputed not to extend farther than Yanaon exclusively, and that Yanaon shall be considered as included in the northern part of the Coast of Coromandel or Orixá.

In witness whereof, we the underwritten Minister Plenipotentiary of his Majesty the King of Great Britain, have signed the present declaration, and have caused the Seal of our Arms to be put thereto.

Done at Paris the 10th of February, 1763.

(L. S.) *Bedford, C. P. S.*

*Accession of his most Faithful Majesty.*

In the Name of the Most Holy and Undivided Trinity, Father, Son, and Holy Ghost. So be it.

**B**E it known to all those to whom it shall, or may belong; the Ambassadors and Plenipotentiaries of his Britannick Majesty, of his most Christian Majesty, and of his Catholick Majesty, having concluded and signed at Paris, the 10th of February of this year, a definitive treaty of peace, and separate articles, the tenor of which are as follows.

## [Fiat Insertio.]

And the said Ambassadors and Plenipotentiaries having in a friendly manner invited the Ambassador and Minister Plenipotentiary of his most Faithful Majesty to accede thereto in the Name of his said Majesty ; the underwritten Ministers Plenipotentiary, viz. On the part of the most serene and most potent Prince, George the Third, by the grace of God, King of Great-Britain, France, and Ireland, Duke of Brunswick and Lunenburg, Arch-Treasurer, and Elector of the Holy Roman Empire, the most illustrious and most Excellent Lord, John Duke and Earl of Bedford, Marquess of Tavistock, &c. Minister of State to the King of Great Britain, Lieutenant-General of his forces, Keeper of his Privy Seal, Knight of the most noble order of the Garter, and his Ambassador Extraordinary and Plenipotentiary to his most Christian Majesty ; and on the part of the most Serene and most Potent Prince, Don Joseph the first, by the Grace of God, King of Portugal and of the Algarves, the most Illustrious and most Excellent Lord, Martin de Mello and Castro, Knight professed of the Order of Christ, of his most Faithful Majesty's Council, and his Ambassador and Minister Plenipotentiary to his most Christian Majesty, in virtue of their full powers, which they have communicated to each other, and of which copies shall be added at the end of the present act, have agreed upon what follows ; viz. His most Faithful Majesty desiring most sincerely to concur in the speedy re-establishment of peace, accedes, in virtue of the present act, to the said definitive treaty and separate articles, as they are above transcribed, without any reserve or exception, in the firm confidence that every thing that is promised to his said Majesty, will be *bonâ fide* fulfilled, declaring at the same time, and promising to fulfill, with equal fidelity, all the articles, clauses, and conditions, which concern him. On his side, his Britannick Majesty accepts the present accession of his most Faithful Majesty, and promises likewise to fulfill, without any reserve or exception, all the articles, clauses, and conditions contained



tained in the said definitive treaty and separate articles above inserted. The ratifications of the present treaty shall be exchanged in the space of one month, to be computed from this day, or sooner if it can be done.

In witness whereof, we, Ambassadors and Ministers Plenipotentiary of his Britannick Majesty, and of his most Faithful Majesty, have signed the present act, and have caused the seal of our arms to be put thereto.

Done at Paris, the 10th of February 1763.

*Bedford, C. P. S.*  
(L. S.)

*De Mello et Castro.*  
(L. S.)

His most faithful Majesty's full Power.

**D**ON Joseph, by the grace of God, King of Portugal, and of the Algarves, on this side the Sea, and on that side in Africa. Lord of Guinea, and of the conquest, navigation, commerce of Ethiopia, Arabia, Persia, and India, &c. I make known to those who shall see these my letters Patent, that desiring nothing more than to see the flame of war, which has raged so many years in all Europe, extinguished, and to co-operate (as far as depends upon me) towards its being succeeded by a just peace, established upon solid principles: and being informed, that great part of the belligerent powers entertain the same pacifick dispositions, I am to nominate a person, to assist, in my name, at the assemblies and conferences to be held upon this important business, who, by his nobility, prudence and dexterity, is worthy of my confidence; whereas these several qualities concur in Martin de Mello de Castro, of my council, and my Envoy Extraordinary and Plenipotentiary to the Court of London; and as from the experience I have, that he has always served me to my satisfaction, in every thing I have charged him with, relying, that I shall, from henceforward, have fresh cause for the confidence I have placed in him, I nominate and constitute him my Ambassador and Plenipotentiary, in order that he may, as such, assist, in my name, at any congresses, assemblies, or conferences, as well publick, as private, in which the business of pacification may be treated; negotiating and agreeing with the Ambassadors

Ambassadors and Plenipotentiaries of the said belligerent powers, whatever may relate to the said peace ; and concluding what he shall negotiate between me and any belligerent Kings and Princes, under the conditions he shall stipulate in my Royal Name : therefore, for the above purposes, I grant him all the full powers and authority, general and special, which may be necessary ; and I promise, upon the faith and word of a King, that I will acknowledge to be firm and valid, and will ratify within the time agreed upon, whatever shall be contracted and stipulated by my said Ambassador and Plenipotentiary, with the aforesaid Ambassadors and Ministers of the belligerent Kings and Princes, who shall be furnished by them with equal powers : In witness whereof, I have ordered these presents to be made out, signed by myself, sealed with the Seal of my Arms thereunto affixed, and countersigned by my Secretary and Minister of State for foreign affairs and war. Given at the Palace of our Lady of Ajuda, the eighteenth day of September, of the year from the Birth of our Lord Jesus Christ, 1762.

THE KING.

(*Locus Sigilli Pendentis.*) Don Lewis da Cunha.

Letters Patent whereby your Majesty is pleased to nominate Martin de Mello de Castro to be your Ambassador and Plenipotentiary for the negotiation and conclusion of peace, in the form above set forth.

For your Majesty's Inspection.

Declaration of his most Faithful Majesty's Ambassador and Minister Plenipotentiary, with regard to alternating with Great Britain and France.

WHEREAS on the conclusion of the negotiation of the definitive treaty, signed at Paris this 10th day of February, a difficulty arose as to the order of signing, which might have retarded the conclusion of the said treaty. We the underwritten, Ambassador and Minister Plenipotentiary of his most Faithful Majesty, declare, that the alternative observed, on the part of the King of Great Britain, and the most Christian King, with the most Faithful

Faithful King, in the act of accession of the court of Portugal, was granted by their Britannick and most Christian Majesties, solely with a view to accelerate the conclusion of the definitive treaty, and by that means, the more speedily to consolidate so important and so salutary a work; and that this complaisance of their Britannick and most Christian Majesties shall not be made any precedent for the future; the court of Portugal shall not alledge it as an example in their favour; shall derive therefrom no right, title, or pretension, for any cause, or under any pretence whatsoever.

In witness whereof, We, Ambassador and Minister Plenipotentiary of his most Faithful Majesty, duly authorized for this purpose, have signed the present declaration, and have caused the seal of our arms to be put thereto,

Done at Paris, the 10th of February, 1763.

*Martin de Mello et Castro.*  
(L. S.)

*Convention for the Liquidation of the Canada Paper Money, belonging to the Subjects of Great-Britain, between the King of Great-Britain, and the Most Christian King.*  
[Printed from the Copy, published by Authority.]

**I**N order to terminate the discussions, which have too long subsisted in regard to the liquidation of this paper belonging to the subjects of Great-Britain, the two courts have named and appointed their respective Ministers Plenipotentiary, viz. his Britannick Majesty, the Sieur Henry Seymour Conway, Lieutenant-General of his Armies, and one of his Principal Secretaries of State; likewise authorized to the same effect by the Proprietors of the said Canada paper; and his most Christian Majesty, the Sieur Count de Guerchy, Knight of his Orders, Lieutenant-General of his Armies, Colonel Commandant of his Regiment of Foot, and his Ambassador to his Britannick Majesty; who, after having communicated their full powers and authorisations in due form to each other, copies where-



of are transcribed at the end of the present Convention, have agreed to the following articles.

Article I. His Excellency General Conway, invested with the above-mentioned full powers and authorisations, accepts for the British proprietors and holders of the Canada paper, and in their names, the reduction of the said paper on the footing of fifty per centum for the bills of exchange, and such part of the certificates as are entitled to the said payments, and of seventy-five per centum for the ordonnances, cards, and the remaining part of the certificates; and to receive, for the fifty and twenty-five per centum of the reduced principal, reconnoissances, or rent-contracts, which shall bear an annual interest, from the first day of January, 1765, of four and one half per centum, to be subjected to the *Dixième* from the said first day of January, 1765, in as many reconnoissances as it shall suit the holders to divide their liquidated principals into, provided that each reconnoissance shall not be for more than one thousand livres *Tournois*; which reconnoissances shall share the same fate for their reimbursement as the other debts of the state, and shall not be subjected to any reduction whatsoever. The whole conformably to the arrets of the Council issued in France the 29th June, 2d July 1764, 29th and 31st December, 1765.

II. In order to ascertain the British property of this paper at the period, and, according to the meaning of the declaration annexed to the last treaty of peace with France, each proprietor or holder shall be obliged to make a declaration thereof upon oath, in the form and terms which shall be hereafter prescribed, in consequence of a further delay, which his most Christian Majesty grants them to the 1st of October, 1766, after the expiration of which, such of the said papers, as shall not have been declared and tendered to be liquidated, shall remain excluded, null, and of no value.

III. These declarations on the part of the proprietors and holders of this paper, shall be accompanied by an oath, to be taken before the Lord-Mayor of the city of London, or such other magistrate in person as shall be named for that purpose, in such place, and at such times, as shall be specified, in the presence of the Commissaries  
or

of Deputies appointed, as well on the part of the court of France, as on the part of the proprietors of this paper; which Commissaries or Deputies shall be allowed to ask, through the Magistrate who administers the oath, such questions of the deponent, as they shall judge necessary, relative to the object of the oath.

IV. Each declaration shall contain only what belongs to one Holder, whether they are his own property, or held by him for account of other; mentioning therein his name, quality, and place of abode; and this declaration shall be made conformable to the model annexed to the present convention.

V. Duplicates shall be made of these declarations, certified to be true, signed by the Holders of the said papers, and previously delivered to the English and French Commissaries or Deputies, who shall be obliged, three days after receiving these declarations, to assist at the taking of the oath before the Magistrate appointed for that purpose.

VI. As this paper may, since the last treaty of peace, have past into the hands of three different classes of proprietors, namely, the actual proprietors, the intermediate and the original; the form of an oath, suitable for each class of proprietors shall be prescribed in the three following articles.

VII. The actual proprietors, who are not original proprietors, having been intermediate purchasers, with a guaranty British property, shall take the following Oath underneath the declaration of their paper.

I affirm and solemnly swear, on the Holy Evangelists, that the papers mentioned in the foregoing declaration, are the same, (or part of the same) that I have purchased of B the with a guaranty of their being British property; and that I hold them on my own account, (or on account of )

So help me God.

VIII. The intermediate proprietors, who have been purchasers and sellers, with a guaranty of their property, being British, shall take by indorsement on their declaration, on oath in the following form:

I affirm and solemnly swear, on the Holy Evangelists, that I did purchase of C , on the day

day of ~~or~~ sundry Canada papers, amount-  
 ing to ~~the same~~, and that I did sell the same,  
 (or of the same,) to D ~~the same~~, which were  
 guarantied to, and by me, to be British property.

So help me God.

This oath to be repeated by each intermediate purchaser  
 back to the person who brought them, or received them,  
 from Canada.

IX. The Canadian proprietors, or those who represent  
 them in London, being the actual possessors, or no longer  
 so, shall take the following oath, with the modifications  
 expressed, suitable to the different circumstances under  
 which they may find themselves.

I ~~do~~ affirm and solemnly swear, on the Holy  
 Evangelists, that the papers mentioned in the foregoing  
 declaration.

[If the property of a Canadian] are my own property,  
 having had them in my possession at the date of the last  
 treaty of peace, (or having bought them in Canada, from  
 whence I brought them.)

[If in the possession of a British representative of a Ca-  
 nadian subject] are my own property, having bought them  
 (or received them) from Canadian subjects,

[If not in his possession] were my own property, having  
 bought them, (or received them) from Canadian sub-  
 jects, and that I sold the same, (or part of the same)  
 to ~~the~~

[If these papers came from France, or elsewhere, being  
 the property of Canadian or British subjects] were sent to  
 me from France, (or elsewhere) on account of  
 British property.

[If sold] and that I sold the same, (or part of the same)  
 to ~~the~~

[Foreigners, who shall have sent them to England, shall  
 take the same oath as the intermediate proprietors, as ex-  
 pressed in the eighth article preceeding]

[Foreigners who shall have received them from Canada,  
 Great-Britain]

I ~~do~~ affirm and solemnly swear, on the Holy  
 Evangelists, that at the date of the last treaty of peace, I  
 held



held in trust, or that since that date I have received from  
 in Canada (or in Great-Britain) sundry  
 Canada papers, amounting to on the  
 proper account of an actual British Canadian  
 subject, and that I have sold, (delivered) (or sent) the  
 same, (or part of the same) to as British  
 property.

On these different oaths being judicially and legally made,  
 the respective Commissaries shall be obliged to grant to the  
 holders of the papers, that shall have come from France,  
 (or elsewhere) a certificate of their being British property,  
 as well as to the holders who shall have received them di-  
 rectly from Canada.

[If the papers have been brought from Canada, on ac-  
 count of any other than the person who sent them]  
 have been sent to me directly by of  
 in Canada, who purchased them from British Candian sub-  
 jects, upon commission, for account of of  
 [Lastly, If the papers are for account of Canadians,  
 and transmitted by them] that I received them  
 from of in Canada, and for his account.

[All indifferently are to add]

I further swear, that the said paper were neither pur-  
 chased, nor have been negotiated, in France as French pro-  
 perty, nor acquired directly or indirectly from natives of  
 France, who were the proprietors of them at the date of  
 the last treaty of peace; and that no part of these papers  
 were carried from Europe to Canada, in order to give  
 French property the sanction of British property: which I  
 affirm and solemnly swear.

So help me God.

X. Nevertheless, in case the actual proprietors, or  
 holders, produce Bordereaux in good form, registered  
 heretofore in Canada, in consequence of the orders of the  
 English Governors, or declared in France as British pro-  
 perty, and not liquidated within the time (for those de-  
 clared in France,) that the registers for the declarations were  
 opened for the French, it shall be sufficient that the pro-  
 prietors, or holders so circumstanced, take the following oath.

I affirm and solemnly swear, on the Holy  
 Evangelists, that the papers mentioned in my foregoing  
 declaration

declaration, have been registered in Canada, (or in France) conformably to the annexed Bordereau, which I certify to be true.

So help me God.

XI. After the administration of the oaths, there shall, within the space of three days, be delivered to each actual proprietor or holder, a certificate of its being British property, by the Magistrate who administers the oaths; which certificate shall be revised and signed by the respective Commissaries or Deputies, and shall contain an account of each sort of paper, which shall have been therein proved British property, in order that, by means of this voucher, the possessor may present his paper, to the office of the Commission at Paris, there to be examined, revised, liquidated, and converted into reconnoissances, or rent contracts, according to the reduction fixed and agreed upon: every thing shall meet with all possible dispatch, and the holders of this paper shall be at no expence whatsoever.

XII. In case any unforeseen accident shall have deprived any actual proprietor of this paper of an intermediate proof between him and the first proprietor who received it from Canada, so as that the proofs which precede and follow that which ought to join them, and which is missing, seem to have report and belong to each other; in that case only the respective Commissaries or Deputies shall be empowered to admit the paper it relates to as British property, if they think proper, notwithstanding the deficiency which shall have broke the link of the proof: and if the respective Commissaries or Deputies shall chance to differ in opinion, the decision of the object in question, shall be referred to his Britannick Majesty's Secretary of State, and to the Ambassador of his most Christian Majesty.

XIII. In virtue of the foregoing arrangement, the court of France grants to the British proprietors of this paper an indemnification of premium of three millions of livres Tournois, payable in the following manner, viz. the sum of five hundred thousand livres Turnois, which shall be paid in specie to his Britannick Majesty's Ambassador at Paris, in the course of the month of April next; and the sum of two millions five hundred thousand livres Tournois, in reconnoissances, or rent contracts, of the same nature as those

those which shall be given for the fifty and twenty-five per cent. on the capitals of the bills of exchange, cards, or donnances, &c. but the interest of which shall only run from the first of January, 1766; which sum of two millions and an half of livres Turnois, shall be delivered to the aforesaid Ambassador immediately after the ratification and exchange of the present convention, in reconnoissance of one thousand livres Turnois each, on the express condition, that all the Canada paper belonging to British subjects, not liquidated, shall share the same fate for its reimbursement as French paper, and shall come in course of payment with the debts of the State, the reconnoissances or rent contracts whereof shall be paid as the other debts, without being subjected to any reduction whatsoever; and on the farther condition, that all the English proprietors of the said paper shall give up every particular indemnification from any cause and pretext whatsoever.

XIV. The solemn ratifications of the present convention, shall be exchanged in good and due form, in this city of London, between the two Courts, within the space of one month, or sooner if it be possible, to be reckoned from the day of signing the present convention.

In witness whereof, We, the underwritten Ministers Plenipotentiary of the said two Courts, have signed in their names, and by virtue of our full powers, the present convention, and caused it to be sealed with our Arms.

Done at London, this 29th day of March, 1766.

(L. S.) H. S. CONWAY.



To the Right Honourable Henry Seymour Conway, Esq;  
One of his Majesty's Principal Secretaries of State, &c.  
&c. &c.

*The Memorial of the Committee of Merchants of London, appointed by the Holders and Proprietors of Canada Bills, to transact the Business relative thereto.*

*Humbly Sheweth,*

**T**HAT the thirteenth article of the convention made with the Court of France, for the final settlement of the Canada bills, is, of itself, insufficient to explain to the proprietors of the said bills, in what manner the sum of three millions of Livres, granted by the Court of France, as an indemnification, or premium, is to be distributed.

Therefore humbly solicit your Excellency to permit the following explanation (which is founded on the Committee's proposition for the payment of these papers, delivered on the 27th day of December last) to be annexed to the convention, and published therewith, for the information of all whom it may concern.

And your memorialists, as in duty bound, will ever pray, &c. &c. &c.

London, April 28, 1766.

BROOK WATSON.  
ROBERT ALLEN.  
FRANCIS RYBOT.  
ROBERT HUNTER.  
ISIDORE LINCH.  
CHARLES CROKAT.  
WM. GREENWOOD.  
ROBERT GRANT.  
DANIEL VIALARS.

*The Committee's Explanation, relative to the distribution of the Three Millions of Livres granted by the Court of France, as a Premium or Indemnification in the Thirteenth Article of the foregoing Convention.*

THIS indemnification having been granted by the Court of France, in consequence of repeated propositions made by the Committee appointed for the management of this business, and approved of by the proprietors and holders of the said papers, at various general meetings assembled for that purpose, at which the distribution of the said indemnification or premium, which was the basis of the convention since acceded to, was determined and agreed upon.

The Committee think it a duty incumbent on them for the better information of every British proprietor, or holder of Canada paper, to publish the particulars of the said distribution, which they are now enabled to do with precision.

In order to form a judgment (as near as possible) of the value of each kind of paper, it will be necessary to lay before the public a state thereof, as it will stand reduced agreeable to the terms of the convention, and an account of the proportional part of the indemnification or premium of three millions of Livres, which each species of paper will be entitled to receive, after the closing of the liquidation, *i. e.* the first day of October next.

By the most exact estimates which it has been possible to make, as well as by the registers of the Court of France, it appears that there still exists unliquidated,

Bills of Exchange and Certificates about	- - - - -	} 4 Millions of Livres
Ordonnances and Cards, &c.	- 12	

Total 16

Which when liquidated, and converted into reconnoissances, will produce as under :

Four millions paid at 50 per Centum	- - - - -	} 2 Millions.
	- - - - -	

Twelve

Vol.

Twelve Millions at 25 3 Millions.

The Capital of the liquidated debt, 5 Millions.

*The Distribution of the two Millions Five Hundred Thousand Livres in Reconnoissances, and the Five Hundred Thousand Livres in Specie, agreeable to the Proposition, in Consequence of which the same was obtained, will be as follows :*

		In Reconnoissances.
ON the ordonnances and other papers payable on the footing of	1,500,000 Livres	
25 per Centum		
On the same, being a proportional part of the remaining Million of Reconnoissances, which is to be divided on the liquidated capital of the whole debt, which amounts to the computed sum of five Millions	600,000	
Total.	2,100,000 Livres	in Reconnoissances.

The 500,000 Livres in Specie, being granted as an equivalent for the loss which would arise by receiving the  $2\frac{1}{2}$  Millions for the indemnification in Reconnoissances, it must be proportionably divided in the same manner as the Reconnoissances, that is to say, if  $2\frac{1}{2}$  Millions receive 500,000 Livres, what will 2,100,000 receive ? Answer ]

To be divided in the Month of November next on the supposed twelve Millions of Ordonnances, Cards, &c. } 2,520,000 is } 2,520,000



On the Bills of Exchange, and such certificates as are paid on the footing of 50 <i>per</i> <i>Centum</i> , the remaining part of the Million of Recon- noissances	400,000
Proportion of the 500,000 in specie, being $\frac{1}{4}$ th or 20 <i>per</i> <i>Centum</i> on 400,000	80,000
Total on the bills of Exchange, &c.	480,000
Amount of indemnification granted	3,000,000

The above recited sum of three Millions of Livres to be paid by the Committee in the month of November next, to such proprietors who shall, in the month of November next, to such proprietors who shall, in all the month of October preceding, produce to them a certificate signed by the English Commissary, appointed to adjudge the liquidation of these effects, certifying, that such sum as those on which the proprietors demand a proportion of the indemnification or premium, had been proved on or to have been British property, in conformity to the terms of the convention. This certificate to be accompanied with a Bordereau of liquidation made at Paris, and certified to be true by the Commissioners appointed by most Christian Majesty to liquidate the Canada Bills.

BROOK WATSON.  
ROBERT ALLEN.  
FRANCIS RYBQT.  
ROBERT HUNTER.  
ISIDORE LYNCH.  
CHARLES CROKAT.  
W. GREENWOOD.  
ROBERT GRANT.  
DANIEL VIALARS.

*Treaty of Commerce and Navigation between Great-Britain  
and Russia.*

Article I. **L**A paix, amitié, & bonne intelligence, qui  
out subsisté heureusement jusqu'ici entre  
leurs majestés de la Grande-Bretagne & de toutes les  
Russies, seront confirmées & établies par ce traité; de  
manière que dès-à-présent, & pour l'avenir, il y aura entre  
la couronne de la Grande-Bretagne d'un côté, & la cou-  
ronne de toutes les Russies de l'autre, comme aussi entre  
les états, pais, royaumes, domaines, & territoires, qui  
leur obéissent, une paix, amitié, & bonne intelligence,  
sincère, ferme, & parfaite, lesquelles dureront pour  
tousjours, & seront observées inviolablement tant par mer  
que par terre, & sur les eaux douces; & les sujets, peuples  
& habitants de part & d'autre, de quelque état ou con-  
dition qu'ils puissent être, se traiteront mutuellement avec  
toute sorte de bienveillance & assistance possible, sans se  
faire aucun tort ou dommage quelconque.

II. Les sujets des deux Hautes Puissances contractantes  
auront parfaite liberté de navigation & de commerce dans  
leurs états situés dans l'Europe, où la navigation &  
commerce est permis à présent, ou sera permis à  
l'avenir, par les Hautes Parties Contractantes, à quelque  
autre nation.

III. Il est convenu que les sujets des deux Hautes Par-  
ties Contractantes puissent entrer, commercer, & demeurer,  
avec leurs vaisseaux, bâtimens, & voitures, chargés ou  
vides, dans tous les ports, places, & villes, où cela est  
permis aux sujets de quelque autre nation que ce soit; &  
les matelots, passagers, & les vaisseaux, tant Britanniques  
que Russes (quoique parmi leurs équipages, il se trouve  
des sujets de quelque autre nation étrangère) seront reçus  
traités comme la nation la plus favorisée; & ni les  
matelots, ni les passagers, ne seront point forcés d'enter,  
contre leur volonté, dans le service d'aucune des deux puis-  
sances contractantes, à l'exception de ceux de leurs sujets  
qui pourroient avoir besoin pour leur propre service,  
si un domestique ou matelot déserte son service ou vais-  
seau, il sera rendu. Il est accordé pareillement, que les

sujets des hautes parties contractantes puissent acheter toute sorte de choses, dont ils pourroient avoir besoin, au prix courant; racommoder et radouber leurs vaisseaux, bâtimens, & voitures; acheter toutes les provisions nécessaires pour leur subsistance ou voyage; demeurer ou partir à leur bon plaisir, sans molestation ou empêchement, pourvu qu'ils se conforment aux loix et ordonnances des états respectifs des hautes parties contractantes où ils se trouveront. Pareillement les vaisseaux Russes, qui se trouveront en mer pour cause de navigation, & qui seront rencontrés par des vaisseaux Anglois, n'en seront point empêchés dans leur navigation, pourvu que dans la mer Britannique ils se conforment à l'usage, mais on leur donnera toute sorte d'assistance, tant dans les ports de la domination de la Grande-Bretagne, qu'en pleine mer.

IV. Il est convenu, que les sujets de la Grande-Bretagne puissent apporter, par eau ou par terre, dans toutes ou dans telles provinces de la Russie que ce soit, où il est permis aux sujets de quelque autre nation de commercer toutes sortes de marchandises ou d'effets, dont le commerce ou l'entrée n'est pas défenduë; & pareillement que les sujets de la Russie puissent apporter, acheter, & vendre librement, dans tous, ou dans tels états de la Grande-Bretagne que ce soit, où il est permis aux sujets de quelque autre nation de commercer, toute sorte de marchandises & d'effets, dont le commerce & l'entrée n'est pas défenduë; ce qui s'entend également des manufactures, & des productions des provinces Asiatiques, pourvu que cela ne soit pas défendu actuellement par quelque Loi à-présent en force dans la Grande-Bretagne, toute sorte de marchandises, et d'effets, que les sujets de quelque autre nation peuvent acheter & transporter ailleurs, particulièrement de l'or & de l'argent travaillé, excepté l'argent monnoïé de la Grande-Bretagne; et pour conserver une juste égalité entre les marchands Russes & Britanniques, par raport à la sortie des denrées & marchandises, il est encore stipulé que les sujets de la Russie paieront les mêmes droits de sortie, que payent les marchands Britanniques, sur les mêmes effets, en les transportant hors des ports de la Russie: mais alors chaque haute partie contractante se réserve pour elle la liberté de faire, dans l'intérieur de son



tats, tel arrangement particulier qu' elle trouvera bon,  
 pour encourager & étendre, sa propre navigation. Les  
 marchands Russes jouiront des mêmes libertés & privilèges  
 dont jouissent les marchands Britanniques de la compagnie  
 de Russie; & puisque le dessein des deux hautes parties  
 contractantes, & le but de ce traité, tendent à faciliter le  
 commerce réciproque de leurs sujets, & à en étendre les  
 bornes & les avantages mutuels, il est convenu que les  
 marchands Britanniques commercant dans les états de la  
 Russie auront la liberté, en cas de mort, d'un besoin ex-  
 traordinaire, ou d'une nécessité absolue, lorsqu'il ne resto  
 aucun autre moyen d'avoir de l'argent, ou en cas de ban-  
 queroute, de disposer de leurs effets, soit en marchandises  
 Russes ou étrangères, de la manière que les personnes in-  
 téressées le trouveront le plus avantageux. La même  
 chose s'observera à l'égard des marchands Russes dans les  
 états de la Grande-Bretagne. Tout ceci s'entend avec cette  
 restriction, que toute permission, de part & d'autre, spé-  
 cifiée dans cet article, ne soit en rien contraire aux loix du  
 pais, & que les marchands Britanniques, aussi bien que les  
 marchands Russes, & leurs commis, se conforment, des  
 deux côtés, ponctuellement aux droits, statuts, & ordon-  
 nances du pais où ils commerceront, pour obvier à toute  
 sorte de fraudes & de prétextes. C'est pourquoi le juge-  
 ment des dits cas arrivant aux compteurs Britanniques en  
 Russie, dépendra à St. Petersbourg du college de com-  
 merce, & dans les autres villes, où il n'y a point de col-  
 lege de commerce, des Tribunaux qui connoissent les  
 affaires de commerce.

V. Il est convenu que les sujets de la Grande-Bretagne,  
 s'ils n'ont point de rixdolars pour paier les doianes, ou  
 autres droits, pour les marchandises qu'ils ont fait entrer  
 ou sortir, pourront paier en autre monnoie étrangère d'un  
 titre connu & acrédité dans le public, égal aux rixdolars,  
 ou en monnoie courant de Russie, le rixdoler évalué à  
 cent-vingt-cinq co-pekes.

VI. Toute assistance & dépêche possible seront données  
 pour la charge, & la décharge des vaisseaux, ainsi que  
 pour l'entrée & la sortie de leurs marchandises, selon les  
 réglemens faits à ce sujet, & ils ne seront en aucune manière  
 retenus, sous les peines énoncées dans les dits réglemens,

Parcèlement si les sujets de la Grande-Bretagne font des contrats avec quelque chancellerie ou college que ce soit pour livrer certaines marchandises ou effets, sur la déclaration que ces marchandises sont prêtes à être livrées, & après qu'elles auront été livrées actuellement dans le terme marqué dans ces contrats, elles seront rectées, & tout de suite les comptes seront réglés & liquidés entre le dit college ou chancellerie & les marchands Britanniques, dans le temps qui aura été fixé dans les mêmes contrats. C'est de la même façon qu'on en agira dans les états de la Grande-Bretagne à l'égard des marchands Russes.

VII. Il est convenu que les sujets de la Grande-Bretagne puissent dans toutes les villes & places de la Russie où il est permis à quelqu'autre nation de commercer, payer les marchandises achetées en la même monnaie courante de Russie, qu'ils ont pris pour leurs marchandises vendues, moins que dans leurs contrats ils n'aient stipulé le contraire, ce qui doit s'entendre également des marchandises Russes dans les états de la Grande-Bretagne.

VIII. Dans les endroits où les embarquemens se font ordinairement, il sera permis aux sujets des hautes parties contractantes de charger sur leurs vaisseaux ou voitures & de transporter, par eau & par terre, toutes sortes de marchandises qu'ils auront achetées, (à l'exception de celles dont la sortie est défendue) en payant la douane pourvu que ces vaisseaux & voitures se conforment aux loix.

IX. Les sujets des hautes parties contractantes ne paieront pas plus de droits pour l'entrée & la sortie de leurs marchandises que n'en paient les sujets des autres nations. Néanmoins, pour prévenir, des deux côtés, les défraudations de la douane; si l'on venoit à découvrir des marchandises qu'on aura fait entrer clandestinement, & sans paier la douane, elles seront confiscées; mais, à ce près, on n'infligera point d'autres châtimens aux marchands des deux côtés.

X. Il sera permis aux sujets des deux hautes parties contractantes, d'aller, venir, & commercer librement dans les états avec lesquels l'une ou l'autre de ces parties se trouvera présentement, ou à l'avenir, en guerre; bien entendu qu'ils ne portent point de munitions à l'ennemi.

On en excepte, néanmoins, les places actuellement bloquées, ou assiégées, tant par mer que par terre; mais en tout autre tems, & à l'exception de munitions de guerre, les susdits sujets pourront transporter dans ces places toute autre sorte de marchandises, ainsi que de passagers, sans le moindre empêchement. Quant à la visite des vaisseaux marchands, les vaisseaux de guerre & les armateurs se comporteront aussi favorablement que la raison de guerre pour lors existante pourra jamais le permettre, vis-à-vis des puissances les plus amies qui resteront neutres, en observant, le plus qu'il sera possible, les principes & les règles du droit des gens généralement reconnus.

XI. Tous les canons, mortiers, armes à feu, pistolets, bombes, granades, boulets, bales, fusils, pierres à feu, mèches, poudre, salpêtre, soufre, cuirasses, piques, épées, ceinturons, poches à cartouche, selles & brides, au-delà de la quantité qui peut être nécessaire pour l'usage du vaisseau, ou au-delà de celle que doit avoir chaque homme servant sur le vaisseau & passager, seront réputés provisions ou munitions de guerre; & s'il s'en trouve, ils seront confisqués, selon les loix, comme contrebande, ou effets prohibés; mais ni les vaisseaux, ni les passagers, ni les autres marchandises qui se trouveront en même tems, ne seront point détenus, ni empêchés de continuer leur voyage.

XII. Si, ce qu'à Dieu ne plaise, la paix venoit à se rompre entre les deux hautes parties contractantes, les personnes, les vaisseaux, & les marchandises, ne seront pas détenus ni confisqués; mais il leur sera accordé, pour le moins, le terme d'un an, pour vendre, disposer ou emporter leurs effets, & se retirer où bon leur semblera; ce qui doit s'entendre également de tous ceux qui se trouveront au service de mer & de terre; & il leur sera permis, encore, qu'avant qu'à leur départ ils pourront consigner les effets dont ils n'auront pas disposé, aussi bien que les dettes qu'ils aient à prétendre, à telles personnes qu'ils jugeront à-propos, pour en disposer à leur volonté & profit; auxquelles dettes les débiteurs seront obligés de payer, de même que si la rupture n'avoit pas eu lieu.

XIII. En cas de naufrage arrivé dans un endroit, appartenant à l'une ou à l'autre des hautes parties contractantes



tes, non seulement il sera donné toute sorte d'assistance aux malheureux, & il ne leur sera fait aucune violence ; mais encore les effets qu'ils auront jetté du vaisseau dans la mer, ne leur seront point celés ni retenus ou endommagés sous quelque prétexte que ce soit : bien au contraire les fudits effets & marchandises leur seront conservés & rendus, en donnant une récompense modique à ceux qui auront aidé à sauver leur personnes, leurs vaisseaux, & leurs effets.

XIV. Il sera permis aux marchands Britannique de bâtir, acheter, vendre & louer, des maisons dans tous les états & villes de la Russie, exceptant seulement quant à la permission de bâtir & d'acheter des maisons dans les villes de la domination Russe qui ont des droits de Bourgeoisie particuliers, & des privilèges à ce contraires ; & il est nommément spécifié qu'à St. Petersbourg, Moscow, & Archangel, les maisons que les marchands Britanniques auront achetées ou faites bâtir seront exemptes de tout logement aussi longtemps qu'elles leur appartiendront, & qu'ils y logeront eux-mêmes ; mais pour les maisons qu'ils donneront ou prendront à loüage, elles seront sujettes à toutes les charges de ville, le locataire & le propriétaire s'accordant entr'eux à ce sujet. Pour ce qui est de toute autre ville de Russie, les maisons qu'ils achèteront ou feront bâtir, de même que celles qu'ils prendront ou donneront à loüage ne seront point exemptes de logement. Il est pareillement permis aux marchands Russes de bâtir, acheter, vendre & louer des maisons dans la Grande-Bretagne & en Irlande & d'en disposer de la même manière que font les sujets de nations les plus favorisées. Ils auront le libre exercice de la religion Grecque dans leurs maisons, ou dans les endroits destinés à cet effet ; de même les marchands Britanniques auront le libre exercice de la religion Protestante. Les sujets de l'une & de l'autre puissance, établis en Russie, ou dans la Grande-Bretagne, pourront disposer de leurs biens, & laisser par testament à qui ils jugeront à propos suivant coutume & les loix de leur propre pais.

XV. On accordera des passeports à tous les sujets Britanniques qui ont envie de quitter les états de Russie deux mois après qu'ils auront avertis du dessein qu'ils ont de partir sans obliger à donner caution ; & si dans ce tems il paroît aucune juste cause pour les retenir, on les laisse

aller, & ils ne seront pas obligés de s'adresser pour cela ailleurs qu'au college de commerce, ou à celui qui pourroit dorenavant être établi à sa place. La même facilité sera accordée, en pareille occasion, suivant l'usage du païs, aux marchands Russes qui voudront quitter les états de la Grande-Bretagne.

XVI. Les marchands Britanniques, qui loueront, ou tiendront des domestiques, seront obligés de se conformer, à ce sujet, aux loix de cet empire. Ce que les marchands Russes seront également obligés de faire dans la Grande-Bretagne.

XVII. Dans tous les procès & autres affaires, les marchands Britanniques ne seront justiciables que du seul college de commerce, ou de celui qui sera établi à l'avenir pour l'administration de la justice entre les marchands : s'il arrivoit cependant, que les marchands Britanniques eussent des procès en quelques villes éloignées du susdit college de commerce, tant eux que leurs parties, porteront leurs plaintes au magistrat des dites villes, bien entendu que les marchands Britanniques auront le droit d'appeler de la sentence du magistrat, & de réclamer celle du college de commerce, s'ils se trouvent lésés. Les marchands Russes qui se trouvent dans les états de la Grande-Bretagne auront réciproquement la même protection & justice, selon les loix de ce royaume, qu'y ont les autres marchands étrangers, & seront traités comme les sujets de la nation la plus favorisée.

XVIII. Les marchands Britanniques qui se trouvent en Russie, & les marchands Russes que se trouvent dans la Grande-Bretagne, ne seront pas obligés de montrer leurs livres ou papiers à qui que ce soit, si ce n'est pour faire preuve dans les cours de justice : encore moins les dits livres ou papiers ne leur seront pris ou retenus. Si le cas arrivoit cependant, que quelque marchand Britannique fit banqueroute, il sera justiciable, à St. Petersbourg, du college de commerce, ou de celui qui sera établi à l'avenir pour l'administration de la justice dans les affaires de négoce, & dans les autres villes éloignées, du magistrat de la ville, & il sera procédé à son égard selon les loix qui sont, ou seront faites à ce sujet. Cependant si les marchands Britanniques, sans faire banqueroute, refusoient de payer leurs dettes soit aux caisses de la Majesté Impériale, soit aux particuliers,

il sera permis de mettre l'arrêt sur une partie de leurs effets, équivalente à leurs dettes : & au cas que ces effets n'ye suffisent pas, ils pourront être arrêtés eux-mêmes, & retenus jusqu'à ce que la majeure partie de leurs créanciers, tant à l'égard du nombre que de la valeur de leurs demandes respectives, consente à les élargir. Quant à leurs effets sur lesquels on aura mis l'arrêt, ils resteront en dépôt entre les mains de ceux qui seront nommés & dûment autorisés pour cet effet, par le plus grand nombre des créanciers, comme ci-dessus spécifié ; lesquels substitutes seront obligés d'apprécier les effets le plutôt possible, & d'en faire une distribution juste & équitable à tous les créanciers, à proportion de leurs demandes respectives. La même procédure sera suivie, en pareil cas, à l'égard des marchands Russes dans les états de la Grande-Bretagne, & ils y seront protégés comme il est réglé dans l'article précédent.

XIX. En cas de plaintes & de procès, trois personnes de bonne réputation & sans reproche, d'entre les marchands étrangers, seront, à l'égard aux circonstances, nommées par le college de commerce, & là où il n'y en a point, par le magistrat, pour examiner les livres & papiers des plaideurs ; & le rapport qu'elles auront donné au college de commerce, ou au magistrat, de ce qu'ils auront trouvé dans les dits livres & papiers, sera tenu pour une bonne preuve.

XX. Les doïanes auront soin d'examiner les domestiques ou les commis des marchands Russes, lorsqu'ils sont enrégistrer les marchés, s'ils ont pour cela les ordres ou pleins-pouvoirs de leurs maîtres ; & s'ils n'en n'ont pas, ils ne seront point crus. On procédera de la même manière avec les domestiques des marchands Britanniques ; & lorsque les dits domestiques, ayant des ordres ou pleins-pouvoirs de leurs maîtres, auront fait enrégistrer les marchandises pour le compte de leurs maîtres, ceux-ci en seront responsables, tout comme s'ils les avoient fait enrégistrer eux-mêmes. Tous les domestiques Russes employés dans les boutiques seront enrégistrés pareillement, & leurs maîtres répondront pour eux dans les affaires de négoce, & dans les marchés qu'ils auront faits en leur nom.

XXI. En cas que les marchands Russes, qui doivent aux marchands Britanniques, se retirent des lieux de leur demeure, en d'autres endroits ou districts, le college de commerce,

merce,



merce, après que les plaintes lui en auront été faites, & les preuves de ces dettes données, les citera trois fois, en leur accordant un terme suffisant pour comparoître en personne; & s'ils le laissent passer sans comparoître, let dit college les condamnera, & enverra, au fraix du demandeur, un expres aux gouverneurs & aux woivodes, avec ordre de mettre la sentence en exécution, & obligera ainsi les débiteurs à paier les sommes déclarées.

XXII. Le brock sera établi avec justice, & les brockers seront responsables pour la qualité des marchandises, & les emballages frauduleux, & tenus, après des preuves suffisantes contre eux, de paier les pertes qu'il ont causées.

XXIII. On fera un règlement pour prévenir les abus qui peuvent se faire dans les emballages des cuirs, du chanvre, & du lin; & sil arrive quelque dispute entre l'acheteur et le vendeur, sur les poids ou la tare de quelques marchandises, la douane la décidera selon l'équité.

XXIV. Pour une plus grande facilité & encouragement au commerce de la Grande-Bretagne, il est accordé qu'à l'avenir les étoffes de laine d'Angleterre ci-après spécifiées, ne paieront pas plus de droit d'entrée, que ce qui est spécifié dans cet article; savoir: le drap d'Angleterre pour soldat ne paiera que deux copekes en rixdoler l'archine de droit d'entrée; le gros drap du comté d'York, connu dans le Tarif Rusien par le nom de costrogy, ne paiera que deux copekes en lixdoler l'archine de droit d'entrée; la flannelle large ne paiera qu'un copeke en rixdoler l'archine de droit d'entrée; la flannelle étroite ne paiera que trois-quarts de copeke en rixdoler l'archine de droit d'entrée. Et en tout ce qui regarde les impôts & les droits payables pour l'entrée & la sortie des marchandises en général, les sujets de la Grande-Bretagne seront toujours considérés & traités comme la nation la plus favorisée.

XXV. La paix, amitié, & bonne intelligence durera pour toujours entre les Hautes Parties Contractantes; & comme il est de coutume de fixer un certain tems aux traités de commerce, les susdites Hautes Parties Contractantes sont convenues, que celui-ci durera vingt ans, à compter du jour de la signature; après l'écoulement de ce terme, elles pourront s'accorder pour le renouveler & le prolonger.

XXVI. Le

XXVI. Le présent traité de navigation, & de commerce sera approuvé & ratifié par sa Majesté Britannique, & sa Majesté Impériale, & les ratifications, en bonne & due forme, seront échangées, à St. Petersbourg, dans l'espace de trois mois, ou plutôt, si faire se peut, à compter du jour de la signature.

En foi de quoi nous soussignés, en vertu de pleins-pouvoirs qui nous ont été donnés par sa Majesté, le Roy de la Grande-Bretagne, & par sa Majesté Impériale de toutes les Russies, avons signé le présent traité, & y avons fait apposer les cachets de nos armes.

Fait à St. Petersbourg, ce zome Juin 1766.

George Mazariney, (L. S.) Nikita Panin, (L. S.)

(L. S.) Ernest, Comte de Munich.

(L. S.) Pr. A. Galitzen.

(L. S.) Gr. Teploff.

### TRANSLATION.

#### *Treaty of Commerce and Navigation between Great-Britain and Russia.*

##### Article I.

THE peace, friendship, and good understanding which have hitherto happily subsisted between their majesties of Great-Britain and of all the Russias, shall be ratified and confirmed by this treaty; so that from this time forward, and in all time coming, there shall be, between the crown of Great-Britain on the one hand, and the crown of all the Russias on the other; as also between the states, countries, kingdoms, dominions, and territories, that are subject to them, a true, sincere, firm, and perfect peace, friendship, and good understanding, which shall last for ever, and shall be inviolably observed, as well by sea as by land, and on the fresh waters; and the subjects, people, and inhabitants on the one part and on the other, of what state or condition soever they be, shall perform to each other all acts of kindness and assistance possible, and shall not do to one another any hurt or injury whatever.

II. The subjects of the two High Contracting Powers shall have full liberty of navigation and commerce in all the states situated in Europe, where navigation and commerce are permitted at present, or shall be permitted hereafter by the High Contracting Parties, to any other nation.

III. It

III. It is agreed, that the subjects of the two High Contracting Parties shall have leave to enter, trade, and remain with their ships, boats, and carriages, loaded or unloaded, in all the ports, places and towns, where such leave is granted to the subjects of any other nation; and the sailors, passengers and ships, as well British as Russian (though there should be among their crews subjects of some other foreign nation) shall be received and treated as the most favoured nation; and neither the sailors nor passengers shall be forced to enter, against their will, into the service of either of the two contracting powers, excepting, however, such of their subjects as they may want for their own proper service; and if a domestic or sailor desert his service or his ship, he shall be restored. It is likewise agreed, that the subjects of the High Contracting Parties shall have leave to purchase, at the current price, all sorts of commodities of which they may stand in need; to repair and refit their ships, boats, and carriages; to purchase all kinds of provisions for their present subsistence of their voyage; and to remain or depart, at their pleasure, without let or impediment, provided they conform to the laws and ordinances of the respective states of the High Contracting Parties where they may happen to be. In like manner the Russian ships that are navigating the sea, and are met by English ships, shall not be impeded in the course of their voyage, provided, in the British sea, they conform to the established practice; but, on the contrary, shall receive from them all kind of assistance, as well in the ports of the dominion of Great-Britain, as in the open sea.

IV. It is agreed, that the subjects of Great-Britain shall be at liberty to bring, by water or by land, into all or into such provinces of Russia, where freedom of trade is permitted to the subjects of any other nation, all sorts of merchandize or effects, the traffic or entry of which is not prohibited: and in like manner the subjects of Russia shall be at liberty to bring, buy, and sell freely, in all, or in such states of Great-Britain where freedom of trade is permitted to the subjects of any other nation, all sorts of merchandize and effects, the traffic and entry of which is not prohibited; which is also to be equally understood of the manufactures and products of the Asiatic provinces, pre-  
vided



vided this is not actually forbid by some law at present in force in Great-Britain; comprehending all sorts of merchandize effects, which the subjects of any other nation may buy there, and transport into other countries, particularly wrought gold and silver, excepting the current coin of Great-Britain: and in order to preserve a just equality between the Russian and British merchants, with regard to the exportation of provisions and other commodities, it is further stipulated, that the subjects of Russia shall pay the same duties on exportation, that are paid by the British merchants on exporting the same effects from the ports of the Russia; but then each of the High Contracting Parties shall reserve to itself the liberty of making, in the interior parts of its dominions, such particular arrangements as it shall find expedient for encouraging and extending its own navigation. The Russian merchants shall enjoy the same liberties and privileges as the British merchants of the Russian company enjoy; and, as the design of the two High Contracting Parties, and the intention of this treaty, is to facilitate the reciprocal commerce of their subjects, and to extend its limits and mutual advantages, it is agreed, that the British merchants trading in the dominions of Russia, shall have liberty, in case of death, a pressing exigency, or absolute necessity, when there are no other means of procuring money, or in case of bankruptcy, to dispose of their effects, whether of Russian or foreign merchandize, in such manner as the persons concerned shall find most advantageous. The same thing shall be observed with regard to the Russian merchants in the dominions of Great-Britain. All which, however, is to be understood with this restriction, that every sort of permission, on the one side and on the other, specified in this article, shall not be in any thing contrary to the laws of the country; and the British, as well as the Russian, merchants, and their factors, shall punctually conform to the rights, statutes, and ordinances of the country where they trade, in order to prevent all kind of fraud and imposition. 'Tis for this reason, that the decision of such events happening to the British compting-houses in Russia, shall be submitted, at Petersburg, to the college of commerce, and in other towns

towns where there is no college of commerce, to the tribunals that have the cognizance of commercial affairs.

V. It is agreed, that the subjects of Great-Britain, if they have no rixdollars to pay the customs or other duties for the merchandize which they import or export, shall be allowed to pay them in other foreign coin of a known name and established value, equal to that of the rixdollar, or in the current coin of Russia, the rixdollar valued at a hundred and twenty-five copecks (or pennies).

VI. All possible assistance and dispatch shall be given to the loading and unloading of ships, as well for the importation at the exportation of commodities, according to the regulations on that head established; and they shall not be in any manner detained, under the penalties denounced in the said regulations. In like manner, if the subjects of Great-Britain make contracts with any chancery or college whatever to deliver certain commodities or effects, upon notifying that such commodities are ready to be delivered, and after they shall have been actually delivered at the time specified in these contracts, they shall be received, and immediately thereupon the accounts shall be settled and cleared between the said college or chancery and the British merchants, at the time fixed in the said contracts. The same conduct shall be observed towards the Russian merchants in the dominions of Great-Britain.

VII. It is agreed, that the subjects of Great-Britain may, in all the towns and places of Russia, where freedom of trade is permitted to any other nation, pay for the commodities they purchase in the same current coin of Russia, which they take for the commodities they sell, unless in their contracts they have stipulated the contrary; and this ought to be equally understood of Russian commodities in the dominions of Great-Britain.

VIII. In the places where embarkations are ordinarily made, permission shall be granted to the subjects of the High Contracting Parties, to load their ships and carriages with, and transport by water or by land, all such sorts of commodities as they shall have purchased, (with an exception, however, of those whose exportation is prohibited) upon paying the customs, provided these ships and carriages conform to the laws.

IX. The

IX. The subjects of the High Contracting Parties shall pay no greater duty for the importation or exportation of their commodities, than is paid by the subjects of other nations. Nevertheless, to prevent on both sides the defrauding of the customs, if it should be discovered that commodities have been entered clandestinely, and without paying the customs, they shall be confiscated; but, besides that, no other punishment shall be inflicted upon the merchants on either side.

X. Permission shall be granted to the subjects of the two contracting parties to go, come, and trade freely with those states, with which one or other of the parties shall at that time, or at any future period, be engaged in war, provided they do not carry military stores to the enemy. From this permission, however, are excepted places actually blocked up, or besieged, as well by sea as by land; but, at all other times, and with the single exception of military stores, the abovesaid subjects may transport to these places all sorts of commodities, as well as passengers, without the least impediment. With regard to the searching of merchant-ships, men of war and privateers shall behave as favourably as the reason of the war, at that time existing, can possibly permit towards the most friendly powers that shall remain neuter; observing, as far as may be, the principles and maxims of the law of nations, that are generally acknowledged.

XI. All canon, mortars, muskets, pistols, bombs, grenades, bullets, balls, fuses, flint-stones, matches, powder, saltpetre, sulphur, breast-plates, pikes, swords, belts, cartouch-bags, saddles and bridles, beyond the quantity that may be necessary for the use of the ship; or beyond what every man serving on board the ship, and every passenger ought to have, shall be accounted ammunition or military stores; and, if found, shall be confiscated, according to law, as contraband goods or prohibited commodities; but neither the ships nor passengers, nor the other commodities found at the same time, shall be detained or hindered to prosecute their voyage.

XII. If, what God forbid! the peace should come to be broke between the two High Contracting Parties, the persons, ships, and commodities, shall not be detained,

confiscated



confiscated; but they shall be allowed, at least, the space of one year, to sell, dispose, or carry off their effects, and to retire where ever they please; a stipulation that is to be equally understood of all those who shall be in the sea or land service: and they shall farther be permitted, either at or before their departure, to consign the effects which they shall not as yet have disposed of, as well as the debts that shall be due to them, to such persons as they shall think proper, in order to dispose of them according to their desire, and for their benefit; which debts, the debtors shall be obliged to pay in the same manner as if no such rupture had happened.

XIII. In case of a shipwreck happening in any place belonging to one or other of the High Contracting Parties, not only shall all kind of assistance be given to the unhappy sufferers, and no sort of violence shall be offered to them; but even the effects which they shall have saved themselves, or which they shall have thrown overboard into the sea, shall not be concealed, withheld, or damaged, under any pretext whatsoever: on the contrary, the above-said effects and commodities shall be preserved and restored to them, upon their giving a moderate recompence to those who shall have assisted them in saving their lives, their ships, and their commodities.

XIV. Permission shall be granted to British merchants to build, buy, sell, and hire houses in all the territories and towns of Russia, excepting, however, with regard to the permission of building and buying houses in those towns of Russia, which have particular rights of burgership and privileges inconsistent with such indulgence; and it is expressly specified, that at St. Petersburg, Moscow, and Archangel, the houses which the British merchants shall buy, or cause to be built, shall be exempt from all quartering of soldiers, as long as they shall belong to them, and shall be inhabited by them; but, with regard to the houses which they shall hire or let, these shall be subject to all the usual charges of the town; the tenant and landlord settling that matter between them. As to every other town of Russia, the houses which they shall purchase, or cause to be built, in the same manner as those which they shall hire or let, shall not be exempted from the quartering of soldiers.

Permission shall likewise be granted the Russian merchants to build, buy, sell, and let houses in Great-Britain and Ireland in the same manner as is done by the subjects of the most favoured nations. They shall enjoy the free exercise of the Greek religion in their houses, or in such places as are destined for that purpose; and in like manner the British merchants shall enjoy the free exercise of the Protestant religion. The subjects of either power, established in Russia or in Great-Britain, shall have power to dispose of their estates, and to leave them by will to whomsoever they think proper, following the custom and laws of their own proper country.

XV. Passports shall be granted to all British subjects, who desire to quit the dominions of Russia, two months after they shall have signified their design of departing, without obliging them to give security; and if, in that time, there appear no just cause for detaining them, they shall be allowed to go; nor shall they be obliged to apply for that purpose, to any other quarter than to the college of commerce, or to that which may hereafter be established in its place. The same easy methods of departing shall, upon like occasions, and agreeable to the custom of the country, be granted to Russian merchants, who want to quit the dominions of Great-Britain.

XVI. British merchants, who shall hire or employ domestics, shall, in this particular, be obliged to conform themselves to the laws of this empire. And Russian merchants shall be equally obliged to do the same in Great-Britain.

XVII. In all law-suits and other proceedings, the British merchants shall be amenable only to the college of commerce, or to that which shall hereafter be established for the administration of justice between merchants. But if it should happen that the British merchants should have law-suits in any place at a distance from the abovementioned college of commerce, both they and the adverse party shall prefer their complaints to the magistrate of the said towns, with this proviso, however, that the British merchants shall have the right to appeal from the sentence of the magistrate, and to demand that of the college of commerce, if they find themselves aggrieved. The Rus-

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sian merchants in the dominions of Great-Britain, shall, in their turn, have the same protection and justice, which, according to the laws of that kingdom, are granted to other foreign merchants, and shall be treated as the subjects of the most favoured nation.

XVIII. The British merchants in Russia, and the Russian merchants in Great-Britain, shall not be obliged to shew their books or papers to any person whatever, unless it be to make proof in the course of justice; still less shall the said books or papers be taken or detained from them. If, however, the case should happen, that any British merchant becomes bankrupt, he shall be amenable at St. Petersburg to the college of commerce, or to that which shall hereafter be established for the administration of justice in mercantile affairs, and in other remote towns, to the magistrate of the place; and he shall be proceeded against, according to the laws that are or shall be made for this purpose. Nevertheless, if the British merchants, without becoming bankrupt, refuse to pay their debts, whether to the treasury of her Imperial Majesty, or to individuals, it shall be lawful to lay an arrest upon part of their effects equivalent to their debts; and, in case these effects should not be sufficient for discharging such debts, they may themselves be arrested and detained in custody, until such time as the greater part of their creditors, as well with respect to number, as to the value of their respective demands, have consented to their enlargement. With regard to their effects laid under arrest, they shall remain as a deposit in the hands of those who shall be named and duly authorised for that purpose, by the greater part of their creditors, as is above specified: which delegates shall be obliged to appraise the effects as soon as possible, and to make a just and fair distribution of them to all the creditors, in proportion to their respective demands. The same procedure shall, in the like cases, be observed towards the Russian merchants in the dominions of Great-Britain; and they shall be there protected agreeably to the regulations made in the preceding article.

XIX. In case of complaints and law-suits, three persons of fair and unblemished character, among the foreign merchants, shall, with a proper regard to circumstances, be



named by the college of commerce, and where there is no such college, by the magistrate, to examine the books and papers of the parties; and the report they shall make to the college of commerce, or to the magistrate, of what they shall find in the said books or papers, shall be held a good proof.

XX. The commissioners of the customs shall have the charge of examining the servants or clerks of the Russian merchants, when they cause their goods to be entered, whether they have, for that effect, the orders or full powers of the masters; and if they have not such, they shall not be credited. The same conduct shall be observed towards the servants of the British merchants; and, when the said servants, having the orders or full powers of their masters, shall cause their goods to be entered on account of their masters, these last shall be as responsible as if they themselves had caused them to be entered. All the Russian servants employed in the shops shall likewise be registered, and their masters shall answer for them in the affairs of trade, and in the bargains which they make in their name.

XXI. In case the Russian merchants, who are indebted to the British merchants, withdraw from the places of their abode to other parts or districts, the college of commerce, after complaints shall have been made to them on the subject, and proofs of the debts have been adduced, shall cite them three times, allowing them a sufficient space, to appear in person; and if they do not appear within the term prescribed, the said college shall condemn them, and shall send, at the expence of the plaintiff, an express to the governors and waywodes, with orders to put the sentence in execution, and thus shall oblige the debtor to pay the sums specified.

XXII. The brokerage shall be settled with justice; and the brokers shall be responsible for the quality of the good and fraudulent package, and shall be obliged, after sufficient proofs produced against them, to make up the losses to which they have given occasion.

XXIII. A regulation shall be made to prevent the abuses that may be committed in the package of leather, hemp, and flax; and, if any dispute happen between the

buy

buyer and the seller, concerning the weight or the tare, the commissioners of the customs shall determine it according to equity.

XXIV. In order the more effectually to encourage and promote the trade of Great-Britain, it is agreed, that for the future, the English woollen cloths, hereafter specified, shall not pay any greater duties on entry, than are settled in this article; viz. English cloth for the use of the soldiery, shall pay (in rixdollars) only two copecs (or pennies) for every arsheen (or  $71\frac{1}{4}$  yards) as a duty on entry; coarse cloth of the county of York, known in the Russian Tariff by the name of Costrogy, shall only pay two copecs for every arsheen; broad flannel shall only pay one copec per arsheen; narrow flannel shall only pay three-fourths of a copec per arsheen, all as duties on entry. And in every thing that regards the imposts and duties payable on the importation or exportation of commodities in general, the subjects of Great-Britain shall be always considered and treated as the most favoured nation.

XXV. The peace, friendship, and good understanding shall continue for ever between the high contracting parties; and, as it is customary to fix a certain term to the duration of treaties of commerce, the above-mentioned high contracting parties have agreed, that this treaty shall continue for twenty years, counting from the day of signing; and, after the expiration of that term, they may agree upon the means to renew and prolong it.

XXVI. The present treaty of navigation and commerce shall be approved and ratified by his Britannick Majesty, and by her Imperial Majesty; and the ratifications, in due and lawful form, shall be exchanged at St. Petersburg, in the space of three month, or sooner if possible, counting from the day of signing.

In witness whereof, we the under-signed, in virtue of the full powers granted to us by his Majesty the King of Great-Britain, and by her Imperial Majesty of all the Russias, have signed the present treaty, and thereto set our seals. Done at St. Petersburg, this 20th day of June, 1766.

George Macartney, (L. S.) Nikita Panin, (L. S.)  
 (L. S.) Ernest, Count Munich,  
 (L. S.) Pr. A. Galitzin,  
 (L. S.) Gr. Teploff.

*Translation of the Declaration signed and delivered by  
Prince de Maserano, Ambassador Extraordinary from his  
Catholick Majesty, the 22d day of January 1771.*

**H**IS Britannick Majesty having complained of the violence which was committed on the 10th of June, 1770, at the Island commonly called the Great Malouine, and by the English Falkland's Island, in obliging, by force, the commander and subjects of his Britannick Majesty to evacuate the port by them called Egmont; a step offensive to the honour of his Crown;—the Prince de Maserano, Ambassador Extraordinary of his Catholick Majesty, has received orders to declare, and declares, that his Catholick Majesty, considering the desire with which he is animated for peace, and for the maintenance of good harmony with his Britannick Majesty, and reflecting that this event might interrupt it, has seen with displeasure this expedition tending to disturb it; and in the persuasion in which he is of the reciprocity of sentiments of his Britannick Majesty, and of its being far from his intention to authorize any thing that might disturb the good understanding between the two Courts, his Catholick Majesty does disavow the said violent enterprize,—and, in consequence, the Prince de Maserano declares, that his Catholick Majesty engages to give immediate orders, that things shall be restored in the Great Malouine, at the Port called Egmont, precisely to the state in which they were before the 10th of June, 1770: For which purpose; his Catholick Majesty will give orders to one of his Officers, to deliver up to the Officer, authorized by his Britannick Majesty, the Port and Fort called Egmont, with all the artillery, stores, and effects of his Britannick Majesty, and his subjects, which were at that place the day above-named; agreeable to the inventory which has been made of them.

The Prince de Maserano declares, at the same time, in the name of the King his master, that the engagement of his said Catholick Majesty, to restore to his Britannick Majesty the possession of the Port and Fort called Egmont cannot, nor ought, any wise to affect the question of the

prior



Prior right of sovereignty of the Malouine Islands, otherwise called Falkland's Islands. In witness whereof, I the underwritten Ambassador Extraordinary, have signed the present declaration with my usual signature, and caused it to be sealed with our Arms. London, the twenty-second day of January, one thousand seven hundred and seventy-one.

(L. S.)

Signed *Le Prince de Maserano.*

*Translation of the Acceptance by the Earl of Rochford, in his Majesty's name, the 22d of January, 1771, of the Spanish Ambassador's Declaration of the same Date.*

**H**IS Catholick Majesty having authorized the Prince of Maserano, his Ambassador Extraordinary, to offer, in his Majesty's name, to the King of Great Britain, a satisfaction for the injury done to his Britannick Majesty, by dispossessing him of the Port and Fort of Port Egmont; and the said Ambassador having this day signed a declaration, which he has just delivered to me, expressing therein, that his Catholick Majesty, being desirous to restore the good harmony and friendship which before subsisted between the two Crowns, does disavow the expedition against Port Egmont, in which force has been used against his Britannick Majesty's possessions, commander, and subjects; and does also engage, that all things shall be immediately restored to the precise situation in which they stood before the 10th of June, 1770; and that his Catholick Majesty shall give orders, in consequence, to one of his Officers, to deliver up to the Officer, authorized by his Britannick Majesty, the Port and Fort of Port Egmont, as also all his Britannick Majesty's artillery, stores, and effects, as well as those of his subjects, according to the inventory which has been made of them. And the said Ambassador having moreover engaged, in his Catholick Majesty's name, that what is contained in the said declaration shall be carried into effect by his said Catholick Majesty, and that duplicates of his Catholick Majesty's orders to his Officers shall be delivered into the hands of one of his Britannick Majesty's Principal Secretaries of State, within six weeks; his said Britannick

Britannick Majesty, in order to shew the same friendly disposition on his part, has authorised me to declare, that he will look upon the said declaration of the Prince de Maserano, together with the full performance of the said engagement, on the part of his Catholick Majesty, as a satisfaction for the injury done to the Crown of Great-Britain. In witness whereof, I underwritten, one of his Britannick Majesty's Principal Secretaries of State, have signed these presents with my usual signature, and caused them to be sealed with our Arms. London, the 22d day of January 1771.

(L. S.)

Signed *Rochford.*

*Translation of his Catholick Majesty's Orders, signified by the Balio Fray Don Julian de Arriaga, to Don Philip Ruez Puente, dated Pardo, 7th of February 1771.*

**I**T being agreed between the King and his Britannick Majesty by a convention signed at London on the 22d of January last past, by the Prince of Maserano and the Earl of Rochford, that the Great Malouine, called by the English Falkland Island, should be immediately replaced in the precise situation in which it was before it was evacuated by them on the 10th of June last year; I signify to you, by the King's order, that as soon as the person commissioned by the Court of London shall present himself to you with this, your order the delivery of the Port de la Crúsada or Egmont, and its fort and dependencies, to be effected; as also that of all the artillery, ammunition, and effects, that were found there, belonging to his Britannick Majesty and his subjects, according to the inventories signed by George Farmer and William Maltby, Esqrs. on the 11th of July of the said year, at the time of their quitting the same, of which I send you the enclosed copies, authenticated under my hand; and that as soon as the one and the other shall be effected, with the due formalities, you cause to retire immediately the officer, and other subjects of the King, which may be there. God preserve you many years.

Pardo, 7th Feb. 1771.

Signed

*The Balio Fray Don Julian de Arriaga*  
To Don Philip Ruez Puente.

*By an accident of the Press the following Treaty was omitted in its proper place.*

Copy of the defensive Treaty with Portugal, 12th of July,  
1703.

**A**NNA Dei gratiâ, &c. Omnibus et singulis, ad quos præsentēs literæ pervenerint, salutem. Cum perpetuum foedus defensivum inter nostros et dominorum ordinum generalium uniti Belgij ab unâ parte, et regis Portugalliae plenipotentarios ab alterâ, Olyssipone, die 16 Majj præteriti, articulis et verbis sequentibus, conclusum et signatum fuerit,

Cum serenissimis ac potentissimis regibus regnisque Britanniae et Portugalliae, nec non celsis ac præpotentibus dominis ordinibus generalibus foederatarum Belgij provinciarum, eorumque subditis, mutua commoda accidant ex pace bonâque amicitia, quæ inter prædictas tres potentias intercedit; idque postulet, ut illa pax non solum illibata servetur, sed etiam firmitioribus et ætioribus vinculis stabilatur, unde manare potest in Europam certior pacis et tranquillitatis securitas, cui prædictæ potentiae pro virili parte prospicere student; ad commune omnium bonum, perpetuum inter se foedus inire decreverunt, eaque de causâ plenipotentias suas et mandata dederunt; serenissima scilicet ac potentissima princeps domina domina Anna dei gratiâ Magnae Britanniae Franciae & Hiberniae Regina, &c. Domino Paulo Methuen armigero, et legato suo extraordinario in Lusitaniâ; serenissimus ac potentissimus princeps dominus dominus Petrus Dei gratiâ Rex Portugalliae et Algarbiorum citra, et ultra mare in Africa, Dominus Guineæ, & conquestionis, navigationis & commercij Æthiopæ, Arabiæ, Persiæ, Indiæque, &c. Domino Nonio de Metto Alvares Pereira conlaaguineo suo carissimo, Duci de Cadaval, Marchioni de Ferreira, &c. Domino Emmanueli Felles de Silva, Marchioni de Algrete, &c. Domino Francisco de Tavora, Comiti de Alvor, &c. Domino Regno Monteiro, Domino de Alva, &c. et Domino Josepho de Farria, regni historiographo maximo; celsi ac præpotentes Domini ordines Generales foederatarum Belgij Provinciarum, Domino Francisc



Francisco Schonemberg: Qui quidem plenipotentiarum, virtute prædictarum plenipotentiarum (quæ, priusquam huic tractatui subscriberetur, commutatae sunt, cum antea perpensae fuissent et pro legitimis ac sufficientibus habitae essent) re diligenter matureque inter se deliberatâ, dominorum suorum supra memoratorum nomine, in capita five articulos sequentes convenerunt et consenserunt.

Art. I. Imprimis, probantur, confirmantur et ratihabentur tractatus initi inter prædictas potentias, ut exactè integrèque serventur, exceptis de quibus aliter hoc foedus cavetur et statuitur; ita ut inter ipsa regna et status eorum, populos, et subditos vera vigeat amicitia, fidaque conjunctio animorum, ac se mutuo omnes juvent unaquæque dictarum potentiarum, commoda et utilitates aliarum sociarum non aliter quam sua ipsius provehentes.

II. Siquando eveniat ut reges Hispaniæ et Galliæ, tam præsentibus quam futuri, uterlibetve eorum, velint, aut eos velle suspicio sit, bellum inferre regno Lusitaniæ in ipsius continente aut in ejus transmarinis provinciis, quicumque ii sint reges, sacra regia Majestas Magnæ Britanniae, et domini ordines generales, à dictis regibus aut eorum quovis amicè contendunt, ut pacis foedera Lusitaniæ servent, aut servet, neque ei bellum, inferant aut inferat.

III. His vero officiis non proficientibus sed in irritum cadentibus, ita ut à prædictis regibus aut eorum quolibet bellum Lusitaniæ inferatur, prædictæ potentiae Britannica et Belgica universis viribus suis bellum inferent prædictis regibus aut regi, qui infesta arma Lusitaniæ intulerint, atque ad id bellum, quod in regni continente geretur, suppediant duodecim millia militum, quos armabunt, eisque solvent quidquid illis opus fuerit tam ad stipendia quæ in stativis merebunt quam extra ipsa; ipsique domini foederati eum militum numerum integrum habere tenebuntur, supplementa subinde suo ære submittentes.

IV. Atque hoc etiam casu, prædictæ potentiae Britannica et Belgica tenebuntur habere et conservare, in oram maritimâ Lusitaniæ et portibus ejus, competentem navium bellicarum numerum, ad ipsam oram portusque tuto à hostili vi defendendos, commerciumque et classes emporicas ita ut; comperto vel intellecto posse Portus ipsos classes prædictas, majore vi hostili invadi, teneantur iide

domi

domini foederati, priusquam casus ejus invasionis eveniat, cum bellicarum navium numerum in Lusitaniam mittere, qui par sit atque etiam superior navibus virribusque hostium, qui portus aut classes praedictas invadere meditantur.

V. Quod si praedicti Hispaniae et Galliae reges, aut eorum utervis, in transmarinis Lusitanorum provinciis aut ditionibus bellum inferant, aut id eos meditari sacra regia majestas cognoverit, praedictae potentiae Britannica et Belgica sacrae regiae majestati Lusitaniae tantum bellicarum navium praebebunt, quantum par competensque fuerit ad hostiles naves atque etiam superius; ita ut illis non solum possit obfisti, sed id etiam bellum aut irruptio impediri, quamdiu bellum duraverit, et occasio postulaverit. Si vero hostes iliquod oppidum ceperint, locumve occupaverint quem muniant, in praedictis transmarinis provinciis et ditionibus, haec auxilia continuabunt donec integrè recuperetur id oppidum aut locus, plurave oppida et loci, si capta fuerint.

VI. Omnes hae auxiliaries naves sacrae regiae majestatis Lusitaniae imperiis subditae erunt, ut ea agant quae imperatur fuerint ab ipsa majestate: quod si in provincias transmarinas, Lusitanorumque ditiones proficiscuntur, ea etiam agent quae sacrae regiae majestatis nomine per proreges ejus et gubernatores ipsis injuncta fuerint.

VII. Cum verò hae naves auxiliaries duarum potentiarum Britannicae scilicet et Belgicae cum Lusitanis navibus conjungentur (quibus casibus opitulari eis debent) praefector classis naviumque Lusitanarum, cui jus ferendi sit vexilli, signa dabit, et ad bellicum concilium convocabit, quod in ipsa Lusitanâ praetoriâ habebitur, et per ipsum classis Lusitanarumque navium perfectum expedientur imperia ad exequenda ea quae in concilio deliberata fuerint; quae quidem ipsi praefecti auxilium navium exequentur, unusquisque suis navibus.

VIII. Quod si quando trium foederatarum nationum naves conjungentur, ad aliquid aggrediendum quod communiter omnium foederatorum interfit, praefectus cui ferendi vexilli jus fuerit, pluresque suae gentis naves fuerint attributae, is jure et praerogativâ superiore capite proposita fruetur, signa nempe dandi, in concilium convocandi suam

ad

ad prætoriam, cæterarumque rerum prout superius est propositum.

IX. Duodecim millia militum, quæ potentia Britannica & Belgica sacrae regiae majestati Lusitaniae in auxilium debent mittere, alere de suis, complereque subinde quamdiu bellum duraverit, prout hujus foederis capite five articulo tertio continetur, subiecta erunt non solum sacrae regiae majestatis supremis imperiis, sed etiam præfectorum ejus five generalium, atque etiam officialium qui ob munus quod obierint ipsis superiores fuerint. Cæterum ob rupta imperia, crimina et flagitia quæ committant, per præfectos seu generales exercitus sui plectentur, ut plectuntur more militari ipsimet Lusitani, maxime propter ea quæ ad violationem rerum ad religionem spectantium pertinent.

X. Domini foederati omnimodam facultatem, auxilium, et ejumentum præbebunt sacrae regiae majestatis redemptoribus casu superius memorato, ut extrahere possint ex portubus terrisque eorum nitratum pulverum, tela, arma, annonam omnis generis, ceteraque belli instrumenta, et apparatus tam maritimos quam terrestres, quæ ab ipsis desiderabuntur; idque eisdem pretiis quibus ea suum in usum comparare consueverint iidem domini foederati, et absque ulla pretii immutatione.

XI. Si quando eveniat ut reges Hispaniæ et Galliæ, aut uter libet eorum, velint bellum inferre regno Magnæ Britanniae aut Belgio foederato, sacra regia majestas Lusitaniæ à dictis regibus aut eorum quovis amico contendet, ut pacis foedera servant prædicto Magnæ Britanniae regno, Belgioque foederato.

XII. His vero officiis non proficientibus et in irritum cadentibus, ita ut à prædictis regibus aut eorum quolibet regno Magnæ Britanniae foederatove Belgio bellum inferatur; sacra regia majestas Lusitaniæ pariter tenebitur cum universis viribus suis bellum inferere prædictis regibus aut eorum cuilibet; atque hoc etiam casu prædictæ duæ potentia Magnæ Britanniae et foederati Belgij eadem et suppeditabunt auxilia militum et navium quæ in capitibus five articulis antecedentibus pacta sunt ad eum casum quo reges Galliæ et Hispaniæ, aut eorum uterlibet, bellum Lusitaniæ intulerit, eaque omnia eodem modo qui in ipsa proponitur.

XIII. Tam



XIII. Tam primo quam secundo casu belli gerendi, sacra regia majestas Lusitaniæ tenebitur decem habere bellicas naves defensionis suæ causâ dominorumque foederatorum; cum eo tamen ut Hispanis Gallisque simul bellum in dominos foederatos inferentibus, aut Hispanis tantum, eo casu decem Bellicæ naves sacræ regie majestatis Lusitaniæ ab orâ Lusitaniæ abscedere non teneantur, quod in eâ versantes ad distrahendâs hostium vires plurimum proficient: si vero per Gallos tantum bellum fuerit illatum, licebit Lusitanas naves dominis foederatis opitulari cum eorum classibus conjunctas.

XIV. Neque pax neque induciæ fient nisi communium foederatorum consensu; atque hoc foedus erit perpetuum, nullis temporum spatiis definitum.

XV. Privilegiis personarum et commerciorum libertate quibus in præsentî Britanni Belgæque foederati in Lusitaniâ fruuntur, invicem etiam Lusitani fruuntur in regnis coronæ Britannicæ, Belgioque foederato.

XVI. Si ex tabulis foederis, in quo de bombaino inter Lusitaniæ et Britannicæ coronas conventum est, cognitum fuerit, alterutram partem aut excessisse aut non implevisse modum ejus conventionis, omnia ad vim illius exiguntur.

XVII. Lusitaniæ naves non tenebuntur quidquamolvere pro jaciendis anchoris in portu Malacensi, si cæteræ Europæ nationes idolvere non teneantur.

XVIII. Piratica navigia cujuscunque nationis non solum non admittentur recipienturve in portus, quos sacræ regie majestates Lusitaniæ et Britannicæ dominique generales ordines foederati Belgij habent in Orientali India; sed etiam pro communibus hostibus habebuntur Lusitanorum, Britannorum, et Belgarum foederatorum.

XIX. Pacis tempore admittentur in portus majores regni Lusitaniæ sex naves bellicæ utriusque nationis Britannicæ Belgicæque foederatæ, præter alias sex naves quæ vi superiorum foederum mittebantur; ut in universum duodecim naves admitti possint, omnesque eo ipso modo, quo priores sex mittebantur. In minores vero portus is navium numerus admittetur qui ad eorum vires et capacitatem competens sit.

XX. Ipsi plenipotentarii spondent supra memoratos dominos suos ratihabituos hunc tractatum legitimâ et debita formâ,

formâ, ratificationesque ejus in hac urbe regiâ Olyfiponenfi commutandas intra trium mensium spatium a subscriptione ejus numerandorum.

In quorum omnium fidem ac testimonium nos supra memorati plenipotentarii sacre regiæ majestatis Magnæ Britanniæ, et cælorum ac prepotentium dominorum ordinum generalium fœderati Belgij, hoc instrumentum manibus nostris subscripsimus, appositisque insignium nostrorum sigillis munivimus. Ipsi vero sacre regiæ majestatis Lusitaniæ plenipotentarii, vitandæ controversiæ causâ quæ est de loci prærogativâ inter coronas Britannicam et Lusitanam, pro more consuetudineque inter utramque coronam observatâ, separatim alia instrumenta ejusdem tenoris, commutatis tantummodo quæ ejus rei ergo commutanda erant, subscriptionibus suis et sigillis apposis munierunt. Olyfipone Die 16 Maij Anno Domini 1703.

(L. S.) *Paulus Methuen.* (L. S.) *Schonemberg.*

Nos, viso et perpenso præfato præpetuo fœdere defensivo, idem in omnibus et singulis sui articulis et clausulis approbavimus, et ratum firmumque habuimus; sicut per præsentés, pro nobis, hæredibus, et successoribus nostris, approbamus, et ratum firmumque habemus. Spondentes verboque regio promittentes, nos omnia, quæ in prædicto fœdere continentur, sincerè et bonâ fide præstituras et observaturas, neque passuras, quantum in nobis est, ut a quopiam violentur aut diminuantur. In quorum majorem fidem et robur hisce præsentibus, manu nostra regiâ signatis, magnum nostrum Anglæ sigillum apponjussimus. Quæ debantur in arce nostrâ regiâ Windesoriensi 12 die mensis Julii Anno Domini 1703 regni nostri secundo.

A N N A R.

# TRANSLATION.

**A**NNE, by the grace of God, &c. To all and every one, to whom these presents may come greeting.

Where

Whereas a perpetual defensive alliance, in the words and articles following, was, on the 16th of May last, concluded and signed at Lisbon, between our plenipotentiaries and those of the Lords the States-general of the United Provinces on the one hand, and those of the King of Portugal on the other : And whereas many mutual advantages accrue to the most serene and most potent kings and kingdoms of Great Britain and Portugal, and to the high and mighty lords the states-general of the United Provinces, and their subjects, from the peace and good friendship, which subsists between the three foresaid powers : And whereas it is necessary, that that peace be not only preserved inviolate, but be likewise strengthened by firmer and closer ties, by which a stronger foundation may be laid for maintaining the general peace and tranquillity of Europe, which the above-said powers endeavour, with all their might, to support : they have therefore, for the common good of all, resolved to enter into a mutual alliance ; and for that purpose have granted their full powers and instructions, viz. the most serene and most potent Princess, Anne, by the Grace of God, Queen of Great-Britain, France, and Ireland, to Paul Methuen, Esq; her Ambassador Extraordinary in Portugal ; the most serene and most potent Prince, Peter, by the grace of God, King of Portugal and the Algarves on this side ; and beyond the seas in Africa, Lord of Guiney, and of the conquest, navigation, and commerce of Ethiopia, Arabia, Persia, India, &c. to Don Nonio de Metto Alvares Pereira, his near kinsman, Duke of Cadaval, Marquis of Ferreira, &c. to Don Emmanuel Felles de Silva, Marquis of Alegrete, &c. to Don Francisco de Tavora, Count of Alvor, &c. to Don Regno Monterio, Lord of Alva, &c. and to Don Joseph de Farria great historiographer of the kingdom ; and the high and mighty lords the states-general of the united provinces, to Van Francis Schonemberg : which plenipotentiaries, by virtue of the above-said full powers (which, before the signing of this treaty, were mutually exchanged, examined, and admitted) after maturely and deliberately weighing the matter, have, in the name of their above-mentioned sovereigns, agreed and consented to the following terms and articles.

Art.



Art. I. All former treaties between the above-said powers, are hereby approved, confirmed, and ratified, and are ordered to be exactly and faithfully observed, except in so far as by the present treaty is otherwise provided and established; so that there shall be between the said kingdoms and states, their people and subjects, a sincere friendship and perfect amity: They shall, all of them, mutually assist one another; and each of the said powers shall promote the interest and advantage of the rest, as if it were his own.

II. If ever it shall happen, that the Kings of Spaint and France; either the present or future; that both of them together, or either of them separately, shall make war, or give occasion to suspect that they intend to make war, upon the kingdom of Portugal, either on the continent of Europe, or in its dominions beyond seas; her Majesty, the Queen of Great-Britain, and the Lords, the States-general, shall use their friendly offices with the said Kings, or either of them, in order to persuade them to observe the terms of peace towards Portugal, and not to make war upon it.

III. But these good offices not proving successful, but altogether ineffectual, so that war shall be made by the aforesaid Kings, or by either of them, upon Portugal, the above-mentioned powers of Great-Britain and Holland, shall make war, with all their force, upon the foresaid Kings or King, who shall carry hostile arms into Portugal; and towards that war which shall be carried on in Europe, they shall supply twelve thousand men, whom they shall arm and pay, as well when in quarters, as in action; and the said high allies shall be obliged to keep that number of men complete, by recruiting it from time to time at their own expence.

IV. And in this case also, the aforesaid powers of Great-Britain and Holland, shall be obliged to keep and maintain upon the coast of Portugal, and in its harbours, a competent number of men of war, to defend the said coasts and harbours, the trade and merchant-ships, from all hostile attempts; so that if it shall appear, that the said harbours and ships are in danger of being attacked with a greater force by the enemy, the said high allies shall be obliged

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obliged to send to Portugal such a number of men of war as shall be equal, or even superior, to the ships and force of the enemy, who shall meditate an attack upon the above-said ships and harbours.

V. But if the foresaid Kings of Spain and France, or either of them, shall make war, or give occasion to suspect that they intend to make war, upon the provinces or dominions of Portugal beyond seas, the above-mentioned powers of Great-Britain and Holland, shall furnish to his Portuguese Majesty such a number of men of war, as shall be equal, or even superior, to the ships of the enemy; so that he may be able not only to oppose them, but even to prevent such attack or invasion, as long as the war shall last, or occasion require. And if the enemy shall take any town, or seize any place which they may fortify, in the foresaid provinces and dominions beyond seas, these succours shall continue until such town or place be fully recovered, or more towns and places, if more should be taken.

VI. All these auxiliary ships shall be subject to the command of his Portuguese Majesty, so that they shall perform whatever shall be enjoined by his said Majesty; and if they should sail to the Portuguese provinces and dominions beyond seas, they shall there likewise perform whatever shall be enjoined them, in the name of his Majesty, by his viceroys and governors.

VII. When these auxiliary ships of the two powers of Great-Britain and Holland shall be joined with the Portuguese ships (in which case they must always assist them) the admiral of the Portuguese fleet, who has the right of carrying the flag, shall give signals, and summon to a council of war, which shall be held in his own cabin; and the same admiral of the Portuguese fleet shall issue the necessary orders for executing those points, which shall have been resolved upon in the council of war; which points the admirals of the auxiliary ships shall execute, each with his own ships.

VIII. But if, at any time, the ships of the three allied nations shall be conjoined in order to attempt any thing, in which all the allies are equally interested, the admiral, who has the right of carrying the flag, and has under his

command the greatest numbers of ships of his own nation, shall enjoy the right and privilege mentioned in the former article, viz. of giving signals, of summoning to a council of war in his own cabin, and of doing every other thing requisite, as is above specified.

IX. The twelve thousand men, which the powers of Great-Britain and Holland are bound to furnish to his Portuguese Majesty, and to maintain at their own expence, and occasionally recruit, during the continuance of the war, as stipulated in the third article of this treaty, shall be subject, not only to the supreme command of his Portuguese Majesty, but also to that of his commanders or generals, and even of such of his officers, as by their rank in the army are superior to them. But for breach of orders, and for the crimes and enormities of which they shall be guilty, they shall be punished by the commanders or generals of their own army, in the same manner as the Portuguese themselves are punished by martial law, especially for those crimes which regard the violation of religion.

X. The high allies shall, in the case above-mentioned, grant full liberty, and all kind of aid and assistance to the commissaries of his Portuguese Majesty, to export from their territories and harbours, all sorts of military stores, such as powder, balls, arms, corn, and every other kind of ammunition, that shall be desired of them, as well belonging to the sea as the land service; and that too at the same price as the said high allies are wont to purchase them for their own use, and without the least alteration in the charge.

XI. If ever it should happen that the Kings of Spain and France, or either of them, should make war upon the kingdom of Great Britain, or the States of the United Provinces, his Majesty the King of Portugal shall use his friendly offices with the said Kings, or with either of them, in order to persuade them to observe the terms of peace towards the foresaid kingdom of Great Britain, and the States of the United Provinces.

XII. But these good offices not proving successful, but altogether ineffectual, so that war shall be made by the foresaid Kings, or by either of them, upon the kingdom of Great Britain, or the States of the United Provinces; his

Majesty



Majesty, the King of Portugal, shall, in like manner, be bound to make war, with all his force, upon the foresaid Kings, or upon either of them : and in this case likewise the foresaid two powers of Great Britain, and the States of the United Provinces, shall furnish him with the same succours of men and ships, as in the preceding articles are stipulated, in case the Kings of France or Spain, or either of them, should make war upon Portugal, and every thing shall be executed in the manner there specified.

XIII. As well in the first, as in the second manner of carrying on the war, his Majesty the King of Portugal, shall be bound to maintain ten ships of war for his own defence, and that of his allies ; with this proviso, however, that if both the Spaniards and the French, or the Spaniards only, should make war upon the high allies, in that case, the ten ships of war of his Portuguese Majesty, shall not be bound to depart from the coast of Portugal, because, while in that station, they will be of very great use in dividing the force of the enemy : but if war should be made by the French only, it shall then be lawful for the Portuguese ships to assist the high allies, in conjunction with their own fleets.

XIV. No peace nor truce shall be made, but by the common consent of the three allies ; and this league shall be perpetual and eternal.

XV. The personal privileges and freedom of trade, which the subjects of Great Britain, and the States of the United Provinces, at present enjoy in Portugal, the Portuguese shall, in their turn, enjoy in the dominions of Great Britain and the States of the United Provinces.

XVI. If from the copies of the treaty, in which an agreement was made concerning Bombay, between the crowns of Portugal and Britain, it should appear, that either party has transgressed, or not fulfilled the terms of that convention, every thing shall be regulated according to the spirit of the said treaty.

XVII. Portuguese ships shall not be obliged to pay any thing for casting anchor in the port of Mallacca, unless the other nations of Europe are obliged to do the same.


XVIII. Pira-

XVIII. Piratical ships, of whatever nation, shall not only not be permitted or received into the ports which their Portuguese and Britannick Majesties, and the States-General of the United Provinces, possess in the East Indies, but shall be deemed the common enemies of the Portuguese, the English, and the Dutch.

XIX. In time of peace, there shall be admitted into the greater ports of the kingdom of Portugal, six ships of war of each of the nations of Great-Britain, and the United Provinces, besides other six ships, which were permitted by virtue of former treaties; so that in the whole, twelve ships may be admitted, and all in the same manner as the former six were permitted. And into the lesser ports, there shall be admitted such a number of ships as they can conveniently receive.

XX. The said plenipotentiaries promise, that their above-mentioned sovereigns shall ratify this treaty, in due and lawful form; and that the ratifications shall be exchanged in this royal city of Lisbon, within the space of three months, counting from the time of subscribing.

In witness whereof, we the above-named Plenipotentiaries of her Majesty, the Queen of Great Britain, and of the high and mighty Lords the States-general of the United Provinces, have signed this instrument, and thereto set our seals. And the plenipotentiaries of his Portuguese Majesty, in order to avoid the controversy that subsists concerning the prerogative of the place between the crown of Great Britain and Portugal, have, agreeable to the manner and custom observed between the two Crowns, separately signed and sealed another instrument of the same tenor, changing only those particulars, which on account of this circumstance were to be changed.

Lisbon, May 16, 1703.  (L. S.) *Paul Metbuen*  
(L. S.) *Schonemberg.*

Ratified by the Queen at Windsor, on the 12th of July, 1703.

F I N I S.

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# C O N T E N T S.

TREATY between the English and Dutch East-India Companies, at London, the 2d of June, 1619	1
An Order and Regulation, by the East-India Companies of England and the United Provinces	10
Treaty of Renewal of the Alliance between Charles I. King of Great-Britain, and Christiern IV. King of Denmark; made at Gluckstar, the 6th of April, 1639	16
Treaty of Peace and Alliance between Great-Britain and Portugal, made at Westminster, July 10, 1654	21
Articles of Peace and Commerce between Great-Britain, and Portugal; concluded at London, the 29th of January, 1647-2	25
Treaty of Alliance concluded between Charles II. his Royal Majesty of Great-Britain, and Charles XI. his Royal Majesty of Sweden, done at White-Hall, October 21, 1661	28
Treaty of Commerce between France and England, on February 24, 1677	42
An explanatory Declaration of certain Articles of the Treaties, concluded between Great-Britain and the States General	49
Treaty between Great-Britain and the United Provinces, concluded at London, December the 1st, 1674	50
Form of the Passport (or Sea Brief) to be given by the Burgo-master of the Cities and Ports of the United Netherlands, to the Ships or Vessels sailing from thence	56
Treaty of Peace between Great-Britain and the States-General; concluded at Westminster, February 19, 1673-4	57
Provisional Treaty between Great-Britain and the States General; concluded at Bredah, 3 <sup>d</sup> of July, 1667	58
Treaty of Peace and Alliance between Great-Britain and the States General; concluded at Bredah, 3 <sup>d</sup> of July, 1667	59
Treaty for renewing the Alliance between Great-Britain and the States General; concluded at Windsor, August the 17th, 1685	63
Treaty of Navigation and Commerce between Great-Britain and Spain, concluded at Madrid, May the 13th, 1667	64
Treaty of Peace and Alliance between Great-Britain and Spain; concluded at Madrid, November the 15th, 1630	ibid
Treaty of Peace and Alliance between the King of England, and Albert Archduke of Austria, &c. concluded in the year 1604	65
Treaty of League between the Emperor Charles V. and the King of England, made in 1542	66
Treaty of Commerce between the Emperor Charles V. and the King of England; concluded at London, April 11, 1520	ibid
Treaty of Peace and Commerce between the King of England, and the Archduke of Austria, &c. concluded at London, the 24th of February, 1495	67
Treaty	

Treaty of Commerce between Charles II. and the United Provinces, concluded at the Hague, Feb. 17, 1668	68
Treaty of Amity, Commerce and Navigation, between Great-Britain and Russia; concluded at Petersbourg, December 2, 1734	75
Treaty of Peace, Amity and Commerce between Great-Britain and Russia; concluded at Westminster, June 16, 1623	78
Treaty of Alliance and Commerce between Great-Britain and Sweden; concluded at Whitehall, October the 21st, 1661.	80
Treaty between Great-Britain and Sweden; concluded at London in the Year 1656	90
Treaty of Peace between Great-Britain and Sweden; concluded at Upsal, April the 5th, 1654	91
Articles and Clauses of several Treaties made between Great-Britain and Sweden, concerning the Continuance, Revival, or Confirmation of former Treaties	91, 92, 93, 94, 95
A Discourse on the Conduct of the Government of Great-Britain, in respect to Neutral Nations	101
Marine Treaties between Great-Britain and France, Spain, and the States General	149, 150, 151
Treaty of Defensive Alliance between Great-Britain, France and Holland, concluded at the Hague the 4th of January 1717	154

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# SUPPLEMENT

TO THE

## COLLECTION OF TREATIES.

*A Treaty between the English and Dutch East-India Companies, relating to the differences that had arose between them. At London, the 2d of June, 1619.*

**T**HE States General of the Low Countries; to all who shall see these presents, or hear them read, greeting. Whereas on the 2d of June this present year, 1619, a treaty has been made and agreed at London, between the Lords Commissioners of the Privy Council of the most High, most Excellent and most Potent Prince James, by the Grace of God, King of Great Britain, France and Ireland, &c. and the English Company trading to the East-Indies; on the one side, and us the Commissioners of the body of our assembly, and the company of our provinces, on the other side; the tenor whereof follows:

And whereas certain differences and misunderstandings have arose for some years between the subjects of the most High, most Excellent, and most Potent Prince James, by the Grace of God, King of Great Britain, France and Ireland, who are of the Company of Merchants trading to the East-Indies, and those of the Company of the United Provinces of the Low Countries, subjects of the High and Potent Lords the  
B States

States General; for the accomodating of which differences, divers conferences have been held between the deputies of the said Companies, as well at London in the year 1613, as at the Hague in the year 1615. Yet without any agreement following thereupon: His said Majesty, and the said Lords, the States desiring to maintain and strengthen more and more the concord, amity, and good correspondence between their subjects and states; and carefully to remedy all the inconveniences that this difference might occasion, have found it expedient and necessary again to resume the said affair, in a third conference between the deputies of the said Companies; at which his said Majesty, and the said Lords have thought good to cause qualified persons of their council and body to assist, viz, his Majesty, John Digby Knight, Baron of Sherborne, his Majesty's Vice-Chamberlain, and Treasurer of his said Majesty's Household; Henry Carey Knight, Comptroller of his Household; Foulke Grevil Knight, Chancellor of the Exchequer; Julius Cesar Knight, Master of the Rolls; and Edward Cooke Knight, all Counsellors of State to his said Majesty. And the said Lords, the States, John van Goch, Burgomaster of the Town of Zurphen; Ewom vander Dussen, old Burgomaster of the Town of Delft; Joachim Lijens, Counsellor and Pensionary of the Town and Country of Tollen, all of the body of the said Lords, the States, and Noel van Caron, Knight, Lord of Schonwalle, Ambassadors in Ordinary from the said Lords at the Court of his said Majesty; whom his said Majesty, and the said Lords have, for that effect, authorized with powers and commissions, that so through their common mediation and direction, the conclusion of an affair of so great importance may be facilitated, and succeed to the mutual contentment and satisfaction of both parties. According to which order, and in the presence of the said Lords the Deputies of the two Companies aforesaid, they have entered into conference, viz, For that of England, Sir Thomas Smith, Governor of the said East India Company; Lionel Cranfield, Knight, Governor and Master of the noble Court

Court of Guards, and of his Majesty's Wardrobe; Dudley Digby, Knight; Richard Welton, Knight; Henry Martin, Knight; Judge Admiral; Clement Edmunds, Knight, Clerk of his Majesty's Council; William Holliday, Recorder of the City of London; Levinus Monk, Clerk of his Majesty's Signet; Maurice Abbot, Deputy Governor of the English Company; and William Harrison, Treasurer of the said Company. And for the Company of the United Provinces; Thierp Bas, Knight, Burgomaster of the City of Amsterdam; James Boreel, Burgomaster, of the City of Middleburg; Arnold Jacob Lodensteyn, of the Admiral Council of Zeeland; Albert Sonck, old Burgomaster of the Town of Hoorne, and one of the Council of State, and Andries Racharson, administrators of the said general India Company; and Mr. William Boreel, Doctor, of Laws, Advocate to the said Company: who by virtue of letters or procurations, after many conferences and long debates, have finally, by the intervention, council and direction of the said Lords above-mentioned, concluded and settled the following articles.

I. In the first place, it hath been agreed, That for the future all irregularities, offences and misunderstandings shall be forgotten and buried, which may formerly have been in the parts of the East-Indies, betwixt the subjects of his said Majesty of Great Britain, and those of the said Lords the States General of the United Provinces; and for that effect all persons seized and detained on both sides, shall be set at liberty and freely released, as also all the ships and goods which shall be found to have been taken to the time of the publication of this treaty in the said Indies, shall be reciprocally restored.

II. The officers, commissaries and servants on both sides, shall mutually render and bear to one another in their conversation, and wherever they shall meet, all assistance, friendship, and reciprocal correspondence, all offices and duties necessary among friends and neighbours so strictly allied; and in case on either side, any should find themselves reduced



to any extremity on sea, the others shall lend them all the friendly succour and assistance in their power; and they shall also keep, or readily and faithfully carry the letters and accounts of one another.

III. Commerce and traffick in the East-Indies shall be free as well for the English Company, as for that of the United Provinces, so that each of the said Companies may there employ, on their own separate and particular account, what funds and capital stock they please.

IV. And in order with the common aid to procure the benefit and encouragement of commerce, all possible means shall be used, in order to regulate and lessen the extraordinary and excessive duties and impositions that were lately laid on; and the practice of liberal gifts and presents shall also cease.

V. There shall be endeavours used to reduce, by common advice, all merchandizes in the East-Indies to a reasonable price; and in the sale which shall be made in these kingdoms and United Provinces, of such merchandizes as shall be bought in the said Indies at the same common rate, a certain price shall be agreed upon from time to time, under which it shall not be lawful for either of them to sell them.

VI. And in order to prevent all jealousies and differences which might arise for the future, the Commissioners on both sides shall advise and agree among themselves upon a moderate price, according as they reckon they may agree, about the buying of peppers at Bantam, and other places at Java Major (the liberty of commerce remaining to the other parts of the Indies, as also the said Java Major, with regard to other merchandizes according to the third article) and for that end certain expert persons shall be ordained and commissioned to buy them; and the purchase of them in this manner being over, they shall be equally divided, half to one, and half to the other party.

VII. The English Company shall have the free exercise and enjoyment of the traffick of Palicate, and shall bear the half of the expence for maintaining and holding the fort and garrison that is to be begun at the time of the publication of this treaty in those parts.

VIII. T

VIII. The commerce to the Molucca Islands, Banda and Amboyna, shall by common advice be so regulated, that the English Company shall have one third of all the trade there, as well for the bringing and vending merchandizes in the said islands, as for the fruits and merchandizes which grow there, and are transported from thence; and those of the United Provinces shall have the other two thirds.

IX. And with regard to the buying and dividing the said fruits and merchandizes, the principal Commissaries and Factors of the two nations residing there shall buy them at the current price, and shall respectively advise about the contingent portion falling to the one and the other by lot; and for that end they shall have free access and abode in the forts and magazines of both sides.

X. And forasmuch as so distant a commerce and traffic, and also so important, cannot be secured without a vigorous defence, this shall be done by furnishing and maintaining twenty ships of war, half belonging to the one, and half to the other Company; which number (if it be found expedient) shall afterwards be increased or diminished, by common advice, according to the exigency of occasions and occurrences: and every one of the said ships shall carry from six to eight hundred tons, be manned with one hundred and fifty men each, armed with thirty great guns, and other necessary ammunition; the said guns to be from eight to eighteen pounders.

XI. And the Council of Defence shall advise what number of galleys, frigates, and other small vessels, shall over and above be necessary for the said defence.

XII. The fortresses and garrisons which are in the Molucca Islands, Banda and Amboyna, shall be maintained by the duties and imposts that shall be raised upon all the fruits and merchandizes that shall be transported from the said islands; which duties and imposts shall be taxed according to the ordinance of the common Council of Defence, and received by the Commissaries of both sides, and delivered from time to time, as far as shall be necessary, to the Treasurers of the Companies, in order to pay the soldiers therewith.

XIII. In

XIII. In order the better to settle and manage this defence, there shall be a Council of Defence erected, composed of eight persons of the first and principal officers there, who shall be taken and elected, in an equal number, as well from the one as the other Company, and shall preside over all.

XIV. This Council shall order what shall concern the matter of common defence by sea, and distribute the men of war in such places as they shall see necessary.

XV. They shall also regulate the duties and imposts that shall be necessary for maintaining the said forts and garrisons, and shall have authority to cause the receivers of the said imposts to render an account of them.

XVI. The men of war shall always remain in the places that shall be assigned them, and follow the orders of the said Council of Defence, without being employed to transport merchandizes into these kingdoms and provinces.

XVII. Nevertheless the said ships may, while they are in the Indies, be sometimes employed to carry merchandizes from one place to another, for the service of their Companies respectively, if the said Council think good, and if it be not prejudicial to the said defence.

XVIII. And in case of necessity, the said Council shall be allowed to employ merchant ships also in such number, and for such time as they shall think necessary for the said defence.

XIX. The loss and damage that shall happen through any rencounter, occasioned by the common defence, or in going to or returning from the said defence, shall be equally borne and repaired at the common cost; as also the gain and prizes that shall be taken, shall come to the common profit.

XX. The same shall be observed with regard to the merchant ships employed on the same occasion; and during that employ, the victuals and pay of the seamen shall be at the common expence of the two Companies. And on consideration of the diversion they shall have made and loss suffered thereby in commerce, they shall over and above receive such recompence and reward, as shall be judged proper by the said Council of Defence.

XXI. But



XXI. But if any man of war being in the road within her own bounds, or in going in or returning from thence, happens to receive any loss or damage by storm, or any other misfortune, the said loss shall not be common, but shall entirely fall to the share of the Company to which the said ship belonged.

XXII. And to prevent the disputes that might arise about the value of ships lost, or greatly damag'd, the Council of State shall make estimate of all the men of war and others, before they employ them for the common defence.

XXIII. The fortresses on both sides shall remain in the hands of those who possess them at present.

XXIV. And forasmuch as there has been a small dispute about the building of some new fortresses, which the English Company has judg'd necessary to them for the security of their people and goods, it has been agreed, That the said question shall remain in suspense for the term of two or three years; that so having duly deliberated and advised together how many fortresses, and in what places they shall be found necessary, the said question may be resumed, and so accommodated, as that it may succeed to the common and reciprocal contentment and satisfaction of both parties.

XXV. As to the forts that may be gained in the Molucca Islands, or in any other parts of the Indies, by the industry and common forces of both Companies, they shall be equally possessed and conjointly kept and maintained with garrisons out of both Companies, who shall be there in equal number; or at least they shall be equally divided between the two Companies, according to the advice of the Council of Defence there.

XXVI. There shall be a free trade endeavoured to be conjointly opened and settled in China, and other parts of the Indies, by such Ways and Means as the Common Council shall find expedient.

XXVII. Neither of the two Companies shall prevent or exclude the other for the future, either by fortifications or contracts they may be willing to make afterwards, from any part of the Indies; but the whole trade shall be free and common to both Companies in every place of the same.

XXVIII. It

XXVIII. It is also agreed, that without the consent of both Companies, no other that belongs not to the same shall be admitted to partake of the benefit of the present treaty: and in case any of the subjects of his said Majesty, or of the said Lords the States, not being of the said body, should endeavour or attempt any thing to the prejudice of what is above specified, or of the privileges of either of the said Companies, those of the said Companies shall endeavour jointly and separately to hinder them from doing thereof, and respectively to maintain the privileges of the said Companies. And his said Majesty of Great Britain, and the said Lords the States, shall be prayed not to authorise the erecting of any other Society, to meddle with the trade, and in the navigation of the said Indies, during the term of this treaty.

XXIX. If it happens in any parts of the Indies, in which either Company holds or shall hold a factory, trade or business, whether by the death of the factors, or by any other disaster, that the goods or chattels of the one or the other remain without an administrator in the Company to which they belong; the officers and factors of the other Company surviving, and remaining in the said places, shall, in this case, take the said goods and chattels into their custody, and shall *bona fide* preserve them to the proprietors, to whom they shall render them in time and place.

XXX. This treaty shall be for the space of twenty years; and if, during that time, there happen any disputes that cannot be terminated by the said Council, in those parts, nor in these parts by the two Companies, the difference shall be referred to the King of Great Britain, and the said Lords the States General, who will vouchsafe to take the pains to accommodate it, to the consent and satisfaction of both Companies.

XXXI. All which Articles shall be faithfully and inviolably maintained and observed on both sides, according to the intention of the said treaty. And the said gentlemen above-mentioned promise, That as well his Majesty of Great Britain, and the said Lords the States,

as those of the said Companies shall approve, confirm and ratify them; and thereupon deliver their letters of ratification in good and due form, viz. his Majesty and those of the English Company within the term of one month after the date of this treaty; and the said Lords the States, and those of the Company of the Low-Countries, within the same term after the said date.

We being well satisfied with what has been concluded, have ratified, approved and confirmed, and do ratify, approve and confirm this treaty, by these presents; and promise to fulfil, and cause to fulfil and observe it in all and every one the points that concern us, or the Company of our provinces, without suffering any contravention thereto, directly or indirectly, in any sort or manner whatsoever: and that during the time of this treaty, we shall erect no other Company than one only Company that may trade to the East-Indies. In testimony whereof we have caused these presents to be sealed with our Great Seal, signed by our clerk at the Hague the 22d of July, 1619, signed, C. Magnus. And on the fold, by the order of the said Lords the States General, signed, Aerssen, and sealed with the Great Seal on red wax, hanging at a double tail of white silk.

*The Ratification of the King of Great Britain.*

James, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c. To all who shall see or hear these presents read, Greeting. Whereas on the 7th day of July, in the year 1619, a treaty was made and concluded in our city of London, between certain Commissioners of our Privy Council thereto specially deputed by us, and others of the Company and Society of our Merchants of England trading to the East-Indies, on the one side; and the Commissioners of the High and Potent Lords the States General of the United Provinces of the Low-Countries, our good friends and allies, being of the body of the said Lords the States, and other deputies of the Company of the said provinces trading to the said East-Indies, on the other side: of which treaty the tenor follows.

*Even so let it be as above.*

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We having seen, had, and fully understood this treaty, have approved, confirmed, and ratified, the whole, and do approve, confirm, and ratify it by these presents; promising to fulfil it, and cause to fulfil and observe it, and all and every one the points thereof which concern us, or the Company of our Merchants of England, without doing, or suffering to be done any contravention thereto, directly or indirectly, in any sort or manner whatsoever; and even to acquiesce in the contents of the Twenty-eighth Article; promising, that during the term of this treaty, we shall not erect any other Society but that which is already erected, to meddle with the trade, and in the navigation of the said East-Indies. In testimony whereof, we have signed these presents, and caused them to be sealed with our Great seal; given at Westminster, the 16th day of July, 1619, and of our reign the seventeenth. Signed James Rex, and lower Fr. Carey; and sealed with his Majesty's Great Seal in yellow wax, hanging at a double tail of white and red silk.

*An Order and Regulation, by the East-India Companies of England and the United Provinces, with relation to the Execution of certain Articles in the present Treaty*

The limits within which this contract shall be comprized, have been established by the common advice of the deputies of both Companies. The meridian touching the Cape of Good Hope, going directly to the south, and the eastern meridian, which is found to be four hundred leagues on the east coast from the Islands of Solomon, going on one side directly towards the south, and on the other towards the north, all the way to the Tropick of Cancer, and from thence in an oblique line to the Straits of Coiyan; all the seas, gulphs, straits, roads, bays, rivers, and whatsoever shall be found betwixt the two meridians, shall be comprehended in this Contract. The merchandizes and ships taken on both sides shall be restored, viz. the vessels such and in such a condition as they shall be found in the hands of any one of the Company, and the goods or the value of them, that shall have effectually come to the foresaid Company.

But as to the ships that shall not be in the hands of the Company, viz. such as shall have run a-ground, have perished, or been abandoned, as also the shipwreck, or what shall have been used thereof, whether it shall have been made use of or not, it shall not be liable to restitution, excepting the ships that shall have been left in service of the Company, the value whereof shall be restored. The prisoners on both sides shall be freely released and set at liberty, without paying their ransom, or for their victuals or clothes given them by the Company. If the said prisoners shall have served the Company that shall have detained them, 'tis just that they should be paid for their service by the said Company. In the enlargement of prisoners, the slaves of any one of the Company are also comprized, who have saved themselves by going over to the other Company, or who have been detained by them under any pretext whatsoever; the which shall also be restored to the Company to which they belonged.

*Upon the IVth Article.*

The liberality of gifts and presents that might be employed by one of the Companies to the prejudice of the other, shall for the future cease at Bantam, and other places where we have a community of commerce, or even a trade without a community. But if it be necessary that any thing should be done for the common advantage and benefit, that shall be done by common consent, in the name, and at the expence of both Companies.

*Upon the Vth Article.*

The fruits of the Molucca's, and of Amboyna, that shall be carried into Europe, shall be sold at the same price and time ordered and settled every year by both Companies, in the month of March or April, or in such other time as shall be judged proper and convenient. It has been thought proper, in order the better to maintain the necessary correspondence and communication between the agreement of the two Companies, That each of them shall respectively hold in England, and the United Provinces, one or two persons in the quality of residents, who shall give and receive advice and in-

formation about the affairs which concern the maintenance of the present treaty, and may in the name of their Company be present at the deliberations and resolutions that shall be taken in the assemblies of the respective Companies, so far as that may concern the common good of the Union

*Upon the VIIIth Article.*

The charges for maintaining the fortres and garrison of Palicate shall be returned and paid in money, or in other commodities, merchandizes, or provisions, as the Company of the Low-Countries is accustomed to do, half and half by the two Companies, and not by duties upon merchandizes: and the foresaid payment shall begin at the time of the publication of this treaty at the said place of Palicate. Wherefore the Commissioners of the English Company shall have notice thereof given them by those of the United Provinces at Bantam, that so they may send both together the news of this contract to the said Palicate.

*Upon the VIIIth Article.*

In order to regulate the trade of the Moluecas, Amboyna and Banda, there shall be erected and ordained certain offices in the places proper for commerce, at which the Commissioners of both Companies shall reside; who alone may sell or buy all such merchandizes and fruits as may be sold and bought in the said islands: so that no other person, whether belonging to the two Companies, or to any other nation, may buy or sell such merchandizes and fruits in any manner.

The foresaid offices shall be provided by each Company, according to their proportion with such merchandizes and current money, as the nature of the trade and business in the foresaid islands shall require: so that upon this occasion neither of the Companies shall be obliged to furnish for the other. The Commissioners of the English Company shall live with the Commissioners of the Company of the Low-Countries, if convenience will allow; otherwise they may build them houses, there to dwell and live in: as also it shall be lawful for them to refit their ships, and for that effect make use of the wood and other things of

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those quarters and parts. And the same shall likewise be done on the other side in the parts where the English shall possess the said commodities, which the Commissioners of the United Provinces may make use of in like manner.

*Upon the Xth Article*

Both Companies have declared that they are ready to give notice, each of them on their part, of the foresaid ships designed for the common defence, out of the number of those which are at present in the Indies; and in case they be not of the requisite size and quality according to the contract, they promise to send ships thither the first opportunity that shall be fit, agreeably to the spirit and mind of the agreement for the said defence, in lieu of others not so fit.

The ships appointed by both Companies, shall, upon the orders of the Council of Defence of each Company, come to the place of residence of the said Council, whether at Bantam, Jacatra, or any other place, or at least that they be in some part where it shall be judged they may do service for the common defence, and for the benefit of both Companies; in which case they shall be taxed and rated, either by Commissioners thereto authorized, or by good information.

With regard to the proposition made, to know in what place the ships of defence shall be first employed, it is judged proper, That notwithstanding the profit that might arise to both Companies by sending the fleet upon the coasts of Malabar and thereabout, nevertheless the defence shall be employed to gain the commerce of China; and for that end a fleet shall be sent to the Philippine Isles, to hinder the Chinese from trading with any others than with us; and a place of meeting shall be chosen that is proper for commerce, either at Lequis, Pacquin, Poulo, Candor, or any other place, which, by the common Council of Defence, shall be judged most convenient for that commerce.

It shall be instantly recommended to the Council of Defence, that they employ in their service forces sufficient

sufficient to obtain good success in their enterprizes; especially at present, in the beginning of the union of the two Companies; that so not only the honour and reputation thereof may be preserved, but also their loss and damage prevented.

*Upon the XIIIth Article.*

In the Council of Defence shall preside the two nations by turns, changing from month to month; and those of England shall preside first after the said Council shall have been settled; and those of the United Provinces the second month, and thus turn by turn from one month to another.

And because it is necessary there should be only one command concerning the general armament of the defence, it is judged proper, That the nation whose turn it is to preside, shall likewise have the supreme command of all the ships of war of both nations the same month, and shall hang out the great flag on the main-mast, and then the other nation shall hang out hers on the mizen-mast: which shall be observed by all the other ships of war, as well the ships that shall be near the places of residence of the Council of Defence, as in the other places of those who shall be in their quarters.

But as to what regards particular expeditions, to the execution of which a fleet, or any other number of ships shall be appointed under one head, it is resolved, That the command once given to one of the nations, shall last till the said fleet shall have returned from the said expedition, without having regard to the change of the President in the Council or otherwise. And the great flag shall always be carried by the nation that has once received and had the command, till the end of the expedition, and the return of the ships.

All the expeditions and particular enterprizes that shall be made by the assistance of any fleet or number of ships of war, shall be divided by turns. And as to what concerns the command, and the carrying of the great flag, the first exploit shall be committed to England, the second to the United Provinces, the third to England, and so to each nation in its turn.

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The Council of Defence shall order the commanders of the fleet or armament who shall be sent upon any expedition, that they do nothing of importance for the execution of the said expedition without the advice and consent of the council of the navy of the said fleet or armament, which shall be given to the said commander (who herein shall have a double voice) by the Council of Defence: and it shall be in the power of the said Council of Defence to revoke or change the said commander of the fleet appointed for any expedition even before the said expedition, if great necessity, and a considerable advantage of the Company require it. And the Council of Defence shall in that case do what is proper.

It is referred to the Council of Defence to chuse a place for their residence, either at Bantam or at Jacatra, according as the conveniency and reputation of the Company shall require.

*Upon the XXVIIIth Article.*

For the explanation of these words of the article, "not being of the body of the said Companies," it is judged proper to determine, That the contents thereof shall also take place in the equipages and commerce, which any one shall desire, who are indeed of the body of the Company, but which only regards their own body, who shall not be allowed to enjoy the privileges and advantages of this treaty more than any other strangers, be they who they will.

Those of the English Company have promised to procure of his Majesty, that all his said Majesty's subjects shall be forbid to list themselves in the service of any other nation going to the Indies, excepting only the Company of the Low-Countries: and that the Company of England may have the like, the said members of the Company of the Low-Countries have promised to obtain of the Lords the States General of the United Provinces, That the placard shall be moderated which orders, that their subjects who frequent the seas, may not list themselves in the service of any foreign nation; and that this placard shall not affect the English Company, but that the subjects of England and Holland shall list them-



themselves in the service of both Companies reciprocally, without any danger of having done amiss.

*Upon the XXXth Article.*

Each Company shall most expressly ordain those, who shall be commissioned on their part for the preservation of the treaty, to conform themselves to the express contents of the same with all their power and inclination. And in case there arise any dispute or doubt about the interpretation of any article, or any other matter in their common business, they shall be enjoined not to proceed against one another by way of force or hostility in any manner whatsoever; but after information thereof shall be made, they shall give advice of it to their respective Companies in Europe, who shall endeavour to accommodate the differences either by themselves, or by the intervention of his Majesty of Great Britain, and of the High and Potent Lords the States, as need shall require; and all such as shall act to the contrary shall be cited and punished as disturbers of the public quiet. Thus given at London the 15th of July, 1619. O. S. and signed Tho. Smith, Morris Abbot, Humphrey Handfort, Arent Lodensleyn, Will. Holliday, Will. Harrison, Dirck Bas, Albert Sonck, Guil. Boreel, Levinus Monck, Robert Bel, James Boreel, Andries Richardson.

*A Treaty of Renewal of the Alliance between Charles I. King of Great Britain, and Christiern IV. King of Denmark; made at Glückstadt, the 6th of April 1639.*

Whereas the most Illustrious and Potent Princes Christiern IV. by the Grace of God, King of Denmark, Norwegie, &c. and Charles, by the same Grace of God, King of Great Britain, &c. agreeably to their royal prudence, and from the particular love and concern they have for their people, with nothing more ardently than to renew the alliances which have been between their ancestors of happy memory on both sides, for the glory of the Omnipotent God, the peace of the Christian world, and the prosperity of their respective subjects, and to tie with a straiter knot the amity and singular good offices which have been between them hitherto,

thereto, and which they have confirmed for a long time by a peculiar affection: We Christiern Count of Pens, Lord of Newendorf, Knight, Governor of Rensborch and Gluckstadt; and Detlof Reventlow, Lord of Reets and Sisendorf, Chancellor to his Royal Majesty, in the name of the Most Serene King of Denmark: and in like manner, I Thomas Rowe, Knight, and Chancellor of the Order of the Garter, and at present Ambassador Extraordinary at the King of Denmark's Court, sent for that end by the Most Serene King of Great Britain, and instructed with proper and sufficient powers, as appears by our commissions; have in the name of our fore-  
said Princes, for the renewal of antient alliances, contracted, accorded, and agreed as follows:

I. It has been treated, agreed, and concluded, That there shall be for ever a sincere, true and perfect amity, peace and alliance by sea, land, and fresh waters, between the fore-  
said two Kings, their heirs and successors, their kingdoms, provinces, subjects and vassals, which they have at this present, or shall have afterwards; so that neither they nor their kingdoms, provinces, vassals or subjects shall do any damage to one another in their goods or persons, nor consent that any be done them, but shall embrace the benefit and advantage of one another; as also the respective subjects shall do so as much as in them lies; and shall hinder by counsel and deed the damage and ruin of one another, as if it was their own.

II. It is agreed, &c. That as soon as either of the fore-  
said two Kings, or their respective subjects, shall perceive that any thing is done, demanded or treated to the prejudice and damage of the other, they shall be obliged to advertise one another thereof, and hinder and stop it, as if it immediately affected themselves.

III. It is agreed, &c. and the fore-  
said two Kings solemnly promise for themselves, their heirs and successors respectively, that they will never assist their enemies with any warlike aid; and that their subjects or inhabitants, of whatever nation or quality they be, or under any pretext of navigation or free commerce, or any other pretext whatsoever, shall not assist their enemies by

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counsel, money, arms, musquets, instruments, or any other engines for making war; and if any one do the contrary, he shall be punished as an infringer of alliance, and a disturber of the public quiet.

IV. It is agreed, That if any one happens to make war upon either of the two Kings, or their kingdoms and countries, without having been first provoked thereto, or endeavours to attempt upon their rights and privileges by violence, or attempts to possess himself of any thing in the said kingdoms, provinces or countries which do not belong to him, the one shall assist the other against this third person within four months at farthest, and without delay (provided he be not engaged in war himself) viz. with eight ships, four of 150 to 200 lasts, manned with 150 to 200 men, and mounted with twenty pieces of cannon; and the other four of 100 to 150 lasts, manned with from 100 to 120 men, and mounted with sixteen pieces of cannon; and the said ships shall obey the Admiral of that King to whose assistance they are sent, which assistance shall endure as long as the war, at least till the King assisting falls into it himself, as has been said above, and without any grudging the expence; and the said ships shall be provided by the King who assists, of all arms and necessary provisions for three months, counting from the day of their going off; so that as many provisions as shall be necessary for the rest of the time, shall be furnished by the King to whom the succours shall be sent, in the same manner and goodness as they are used to furnish their own.

V. It is agreed, &c. That if any one in any expedition happens to take any provinces, towns, castles, fortresses, or other places belonging or that have belonged to either of the said Kings, or situated within their dominions, they shall be given up to him to whom they do or have belonged.

VI. If in the said expedition any towns, provinces, castles, fortresses, or other places happen to be taken, they shall be shared and divided betwixt the said Kings in proportion to the number of troops and soldiers that each Prince has furnished.

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VII. In the same manner, and according to the number and quantity of troops and ships, all the booty and moveable goods shall be divided that shall be taken in war from the enemy, as well by water as by land, in any place whatsoever, within or without the states of the said confederated Kings.

VIII. It is agreed, &c. That as often as either of the said Kings shall demand of the other a greater number of forces, or ships, or assistance in money, in the foresaid case of mere defence, he who shall be required shall be obliged to comply therewith as much as possible, having always regard to time, the reasons of place, and state of his own affairs. In which the King asking shall refer himself to the conscience of the King giving assistance; but so that the expence of the war by that extraordinary assistance, or the money lent shall be refunded to him who has been at that expence, and lent that money by him who received the same.

IX. It is agreed, &c. That in case such extraordinary assistance is finished, the booty taken by sea shall by computation be divided equally among all the ships; the eight ships of ordinary assistance shall receive each their share: but for the ships of extraordinary assistance, the third shall be taken out of it, and given to the King, who shall return the expences.

X. It is agreed, &c. That neither of the two Kings may make peace, or any other transaction with the enemy against whom they shall have taken up arms in the manner abovesaid; without comprehending the other with his provinces and subjects.

XI. It is agreed, &c. that if the King demanding assistance, shall himself be the aggressor, the other King of whom succours shall be demanded, shall be authorized to recall the same within the bounds of justice, and propose reasonable articles of peace without dissimulation or finesse, and may press him to accept the peace. And if he refuses it, and will not hearken to reason, then the other shall not be obliged to assist him; however, the alliance shall remain in its force, and shall not be weakened for all that.

XII. It is agreed, &c. That neither of the two Kings shall receive into his kingdoms and provinces any enemy or rebel of the other, nor hide or suffer them to remain beyond the space of four months, if he knows them to be his enemies, or rebels to him.

XIII. It is agreed, &c. That the subjects of both Kings shall be at liberty to go and frequent the provinces, trading cities, harbours, rivers of one another, whether by land or sea, with their merchandizes, to negotiate there, without receiving any impediment, paying the usual customs and duties; but so that the laws and statutes of the provinces to which all other nations are liable, shall not be violated in any manner.

XIV. It is agreed, &c. That the subjects of the most serene King of Great-Britain shall not go to the prohibited ports, whereof mention is made in the preceding alliances, without the special content of the King of Denmark; unless they be forced into them by storm or other danger by sea, in which case they may not have the least trade in the said ports.

XV. It is agreed, &c. That if any of the subjects of the one King shall suffer shipwreck upon the coasts of the other, they may carry the pieces of the ship, and merchandizes ashore, without any person's hindering them; but on the contrary, the inhabitants of that place, if they are thereto required, shall lend assistance to him who suffered shipwreck for a reasonable reward, in order to save all that can be saved.

XVI. That if the subjects of the one King shall be injured in the states of the other, or suffer any damage, the King of that place shall be obliged to make satisfaction, according to justice and the laws, and that as speedily as the law and custom of the place will allow, and to punish him who did the wrong.

XVII. That no private person shall make any unjust attempt against this alliance, nor stir up hatred or bitterness between the said nations; but every one shall answer for his own deed, and shall be answerable to law and justice for that effect; nor shall one suffer for the act of another, by way of reprisal or any other

other odious procedure, but the criminal shall be obliged to answer for his own deed.

XVIII. It is agreed, &c. That if any difference should arise (which God forbid) between the two Kings and their kingdoms for the future, against all expectation, it shall be accommodated in an amicable manner, without any prejudice to this alliance.

XIX. As the Orcades or Schetland cannot without disadvantage and detriment to both parties be excluded out of this treaty, so all negotiations during the life of the two Kings, or one of them, shall remain undisturbed; nor shall any change or alteration be made, the right of the successors remaining in its due state in the mean time.

XX. It is agreed, &c. That none of the proceeding treaties or agreements are changed or altered by these articles, but only in so far as is expressed in this treaty.

XXI. It is agreed, &c. That the aforesaid most serene Princes Christiern the Fourth King of Denmark, and Charles King of Great Britain, shall sincerely observe all these articles concluded at Gluckstadt, the 6th of April 1639.

*Treaty of Peace and Alliance between Great-Britain and Portugal, made at Westminster, July 10, 1654.*

I. That there shall be a free commerce between both nations and their people, subjects and inhabitants, as well by land as on the sea, and in rivers and fresh waters, in all and singular the countries, lands, dominions, territories, provinces, islands, colonies, cities, towns, villages, ports and borders, where commerce was heretofore, or is at this time carried on, in such manner, that the people, subjects and inhabitants of either, may without any safe conduct, or other general or special licence, pass by land and sea, by rivers and fresh waters, to the aforesaid dominions and kingdoms, and all their cities, towns, harbours, shores, bays, and places, and sail and enter into the same, and import their merchandizes, with carriages, horses, packs and ships, laden or to be laden; and buy



buy and sell goods there, and supply themselves at a reasonable price with what provisions they shall think fit, and with all things necessary for their sustenance and voyage, and refit their ships and carriages, whether their own, or such as are hired or lent; and with the same liberty depart from thence with their goods, merchandize, and all other things whatsoever, either to their own or foreign countries, as they shall think fit, and without any hindrance, saving nevertheless all the laws and ordinances of each place.

II. That the captains, masters, officers, and mariners of any ships belonging to the King of Great Britain, or to any of his people or subjects, shall not bring any suits against, or in any wise molest the said ships or people of Great Britain, within the kingdoms or government of the King of Portugal, on account of their stipend or wages, on pretence that they profess the Romish religion; nor shall they under this or any other pretext, engage in the service of the King of Portugal, or in any other manner quit the ships to whose crew they belong. And if any shall offend in this point, an account shall be taken of their names, and they shall be compelled by the magistrates and officers of the place to return to their ships; and if they cannot be found, it shall be lawful for the master of such ship or vessel to detain their cloaths, goods, or wages, to make good the damage sustained thereby.

III. That neither the King of Portugal, nor any of his ministers, shall detain or arrest any merchant, masters of ships, captains or mariners, or their ships, merchandize, or other goods belonging to Great Britain, or any subjects thereof, either for the service of war, or any other purpose whatsoever, unless the British government, or those to whom such ships and goods appertain are first apprized thereof, and give their consent; but all such ships, men and goods, shall at their own pleasure have free liberty to depart from the ports and dominions of the said King without any hindrance from his said Majesty, or any of his ministers. And the sale of the merchandize and

and goods of the people of Great Britain, shall not be hindered or delayed, under pretence that the King has occasion for them, or for any other reason whatever, without the consent of the persons interested.

IV. The people and inhabitants of Great Britain, shall trade and traffick freely and safely from Portugal to Brazil, and the other conquests of the said King in the West-Indies; and from Brazil and the said other conquests to Portugal, in all sorts of goods and merchandize whatsoever (except meat, fish, wine, oil, and Brazil wood, which are prohibited by the King, in pursuance of a contract with the Brazil Company) paying the dues and customs which others pay, who trade into those countries: And the people and inhabitants of Great Britain shall likewise have the liberty of navigating to the colonies, islands, countries, harbours, districts, towns, villages and staples belonging to the King of Portugal in the East-Indies, Guinea, the Island of St. Thomas, and elsewhere, on the coasts and shores, and may reside, trade and traffick there, by land or sea, on the rivers or fresh waters, in any goods or merchandize whatsoever, and transport all kind of merchandize to any place or country, with the same freedom as formerly used by them, and that was ever granted by any former treaty, or shall hereafter be granted to the inhabitants of any other nation, in alliance and friendship with that crown.

V. It shall be lawful for the people or subjects of either party to enter the ports of the other, there to reside, and thence to depart, with equal liberty, not only with merchant ships, and trading vessels, but also with ships of war, guard ships, and convoys, whether drove in by storm or come in for refitting or victualling their ships, provided they do not exceed the number of six ships of war, in case they come in of their own accord: nor shall they stay or continue longer in the ports or upon the coasts, than shall be necessary, lest they should give occasion for interrupting the commerce of other nations in friendship and alliance with the other: And if at any time any

any unusual number of ships should come to such ports by any chance, it shall not be lawful for them to enter into such ports without a power first granted by those to whom such ports belong, unless they are forcibly drove in by stress of weather, or other urgent necessity, for avoiding the danger of the sea and shipwreck; in which case they shall immediately make known the cause of their coming thither to the governor, or chief magistrate of the place; nor shall they continue there longer than they shall be allowed by such governor or chief magistrate, nor commit any hostility in those ports, which may be detrimental to the other party.

VI. Neither of the confederates shall suffer the ships or goods of the other, or of the people of either, which shall at any time be taken by the enemies or rebels of the one, and carried into any ports or places belonging to the dominion of the other, to be conveyed away from the owners or proprietors; but the same shall be restored to them, or their attornies, provided they lay claim to such ships and goods before they are sold or cleared, and either prove their right, or exhibit testimonies of their property in them, within three months after the said ships and goods shall have been so carried in; and in the mean time the proprietors shall pay and discharge the necessary expences for the preservation and custody of the said ships and goods.

VII. That all goods and merchandize of the said confederates, or of their people or subjects, found on board the ships of the enemies of either, shall be made prize, together with the ships, and confiscated; but all the goods and merchandize of the enemies of either, put on board the ships of either of them, or of their people or subjects, shall remain untouched.

VIII. It is also agreed and concluded, that no other league or confederacy whatsoever made, or to be made by either of the confederates, with any other princes or republicks whatsoever, shall derogate from the present treaty of peace and alliance; but that this peace and confederacy shall be kept intire and always in full force.



*Articles of Peace and Commerce between Great-Britain and Portugal, concluded at London, the 29th of January, 1641-2.*

I. There shall be for ever a good, true, and firm peace and amity between the Kings of Great Britain and Portugal, their heirs and successors, and their kingdoms, countries, states, lands, people, vassals and subjects, whatsoever present and to come, of what quality and condition soever they be, as well by sea as by land, and fresh waters; so that the said vassals and subjects shall treat one another favourably, and render to each other all manner of good offices of true amity and affection; and that the said most renown'd Kings, their heirs and successors, shall nor do or undertake any thing, either by themselves or by other persons, against the other, nor against their kingdoms, by sea or land, nor consent or adhere to any war, counsel or treaty, that may be to the prejudice of the one or the other.

II. That there be and shall be between the said most renown'd Kings and their vassals, inhabitants and subjects on both sides, a free commerce, as well by sea as by land, and fresh waters, in all and every of their kingdoms, dominions, islands, and other lands, cities, towns, villages, harbours, and territories of the said kingdoms and states, wherein trade has been carried on from the time of the Kings of Castile, or has been continued to this present; so that the subjects and vassals of both Kings may go, enter and sail without any passport or other general or special licence, as well by sea as by land, and in fresh waters, in the kingdoms and dominions aforesaid, and in the cities, towns, harbours, rivers, roads, and territories thereof, and there carry merchandizes, and loads or lading upon carriages and horses, or in ships, and sell and buy any kind of provisions, and furnish themselves with every thing necessary for their subsistence or voyages: and they may repair their ships or carriages, whether they be their own property, or hired or borrowed; and they may depart with the same freedom from thence with their goods, merchandizes and other effects whatsoever,

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upon paying only the usual duties and customs, on the foot that they are established by the ordinance of each place; and go to their own countries, or to any other places whatsoever as they please, and when they think fit, without any molestation or impediment whatsoever.

VII. That the captains, masters, officers and mariners of the ships of the King of Great-Britain shall not commence or prosecute any suits or actions against the said ships, nor against any of the subjects of the said King, within the extent of the kingdoms and dominions of the King of Portugal, for their wages or salaries, on pretence that they will make profession of the Romish religion, or that they will list themselves in the service of the King of Portugal.

X. That the King of Portugal, or his ministers, within the extent of his kingdoms and states, may neither detain the ships of the subjects of the King of Great-Britain, nor his subjects themselves, without his knowledge or consent, for warlike services or any other service whatsoever; but the said ships and subjects may freely depart, when they please from the ports and dominions of the said King, without any hindrance on the part of the said King of Portugal, or his ministers: And the goods and merchandizes of the subjects of the King of Great-Britain may not be taken for the service of the King of Portugal, but only at the current and usual price, to be paid within two months, unless both parties agree upon some other time of payment.

XI. That the subjects of the King of Great-Britain may carry in their ships, all sorts of goods, commodities and merchandizes whatsoever, arms, victuals, or any other provisions, out of the ports and dominions of the said King, or out of any other ports or dominions whatsoever; provided they cannot be carried directly out of the ports of Portugal, or the dominions thereupon depending, to be transported into the ports and territories of the King of Castile; and that neither the King of Portugal, nor his subjects, may, by way of seizure, reprisal, or any other method whatsoever, hinder any ships, goods or persons of the subjects of the

King of Great-Britain from sailing safely into the ports and territories of the said King of Castile, and carrying on their trade and commerce there: And the subjects of the King of Great-Britain and of Portugal shall have the same power on the one side and the other, if hereafter it should happen that either of the said Kings should be at war with any ally of the other: And the subjects of the King of Great-Britain may bring all sorts of merchandizes, or even arms, victuals, or any other provisions whatsoever, and all things of the like nature, into the kingdoms and states of the King of Portugal; and may there sell them as they think good; in open market, or in any private way, without any hindrance from the King of Portugal or his ministers.

XIX. And if during the present peace and amity any thing should be undertaken, committed or done, contrary to the force and effect thereof, either by sea or land, or on fresh waters, by either of the foresaid Kings, their heirs or successors, vassals or subjects; nevertheless the present peace and amity shall remain in its force and virtue, and the contraveners and offenders only shall be punished, and no others.

XX. That the present peace and alliance shall in no wise derogate from the alliances and confederacies formerly made and contracted between the King of Great-Britain and other Kings, Princes and Commonwealths; but the said confederacies and alliances shall be firmly preserved and remain for the future in full force and virtue, this present treaty of peace notwithstanding.



*Treaty of Alliance concluded between Charles II. his Royal Majesty of Great Britain, and Charles XI. his Royal Majesty of Sweden, for the confirmation of their friendship, and for the mutual security of their dominions and trade.* Done at Whitehall, October 2. 1697.

WE, Charles, by the grace of God, King and Hereditary Prince of the Swedes, Goths and Vandals, Great Prince of Finland, Duke of Schonen, Esthonia, Livonia, Carelia, Bremen, Verden, Steim, Pomerania, Cassubia and Vandalia, Prince of Rugen, Lord of Ingria and Witmar, also Count Palatine of the Rhine, Bavaria, Juliers, Cleves and Bergen, &c. desire to make known to all, and singular the persons whom it doth, or whom it may, in any manner whatsoever concern: Whereas we lately sent to England, our Ambassador Extraordinary, as we did before, but our Envoy Extraordinary, Plenipotentiaries, in order to renew the ancient friendship, and to make a mutual league with the most serene and most potent Prince, our dearest brother, cousin, friend and ally, the Lord Charles the Second, by the grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c. and they having in like manner found a singular inclination in the said King to the common union and strict amity of the two kingdoms, it came to pass that when Commissioners were appointed also on his part, and vested with full powers to consolidate a friendship and conclude a league, several congresses and debates were held at London: in which the negotiation was so far promoted, that the following treaty, and the articles therein contained were agreed upon in due form.

After it had seemed good to the most serene and potent Prince and Lord, Charles by the Grace of God, King and Hereditary Prince of the Swedes, Goths and Vandals, Great Prince of Finland, Duke of Schonen, Esthonia, Livonia, Carelia, Bremen, Verden, Steim, Pomerania, Cassubia and Vandalia, Prince of Rugen, Lord of Ingria and Witmar, also Count Palatine of the Rhine, Duke of Bavaria, Juliers, Cleves and Bergen, &c. to confirm and establish the express of that most strict amity and mutual commerce which has con-

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tually existed for so many ages between the famous  
 kingdoms of Sweden and England, with new laws,  
 especially at this time when the most severe and most  
 potent Prince and Lord, the Lord Charles the Second,  
 by the grace of God, King of Great-Britain, France and  
 Ireland, Defender of the Faith, &c. was most happily  
 restored to his ancient kingdoms; and for that end, his  
 aforesaid Royal Majesty of Sweden sent his Excellency  
 Nicholas Brane, Senator of the Kingdom, Admiral and  
 Counsellor of the College of Admiralty, Count in Vising-  
 burg, Lord Baron de Cajana, Lord de Ridoboholm and  
 Scallagen, &c. as Ambassador Extraordinary to his  
 Royal Majesty of Great-Britain, to the end that when  
 he had performed the solemn office of congratulation,  
 he might put the last hand to the Treaty of mutual  
 friendship and commerce, the form and tenor of which  
 had been already settled between the most noble John  
 Frederick de Billendorf, Lord in Herdick and Kirup,  
 &c. Privy Counsellor of his Swedish Majesty, and for-  
 merly commissioned to treat of this affair in quality of  
 Ambassador Extraordinary to his Sacred Royal Majesty  
 of Great-Britain, and the Lords Commissioners parti-  
 cularly deputed to this purpose by his Sacred Royal  
 Majesty of Great-Britain. And whereas his Sacred  
 Royal Majesty of Great-Britain, favouring the same  
 propension and inclination, solemnly appointed the most  
 noble Lords of his Royal Majesty's Privy Council, viz.  
 Thomas Earl of Southampton, Lord High Treasurer of  
 England, John Lord Roberts, Lord Privy Seal, Edward  
 Earl of Manchester, Lord Chamberlain of the King's  
 Household, George Earl of Norwich, Captain of the  
 Royal Band of Pensioners, Arthur Earl of Anglesey,  
 Frederick Lord Cornwallis, Treasurer of the King's  
 Household, Anthony Lord Ashley, Chancellor of the  
 Exchequer, Sir George Carteret, Baronet, Vice-Cham-  
 berlain of the King's Household, Sir Edward Nicholas,  
 Knight, and Sir William Morrice, Knight, two of his  
 Majesty's principal Secretaries of State, to treat of this  
 affair, the Ambassador and Envoy aforesaid met them,  
 and after divers consultations on both sides, the following  
 Articles

Articles were at length, by God's blessing, clearly, perspicuously and irrevocably agreed to on both sides.

I. In the first place it is concluded and agreed, that hereafter there be and remain a good, sincere, firm and perpetual peace, friendship, good-will and correspondence, so that both parties may carry it to each other with the sincerest love and affection.

II. The said confederates and their dominions, subjects, people and inhabitants, shall take care of and promote each other's advantage; and shall also certify one another of any dangers threatened, and conspiracies and machinations formed by the enemies of either, and shall oppose and hinder them as far as lies in their power. Nor shall it be lawful for either of the confederates, by himself, or by any other persons whomsoever, to negotiate or attempt anything to the hurt or disadvantage of the other's lands or dominions whatsoever, any where either by land or sea; nor shall he by any means protect the enemies or rebels to the prejudice of the other confederate, nor receive or admit into his dominions any rebel or traitor, who shall make any attempt against the estate of the other; much less shall he afford them any advice, aid or countenance, or foster any advice, assistance or favour to be given them by his subjects, people and inhabitants.

III. The said kings and kingdoms shall with all candour and diligence take all the care possible, that the impediments which have hitherto interrupted the freedom of navigation and commerce, not only between both nations, but also throughout the dominions, countries, seas and rivers of both, with other people and nations, be removed. And they shall sincerely endeavour to settle, establish, defend and promote the aforesaid freedom of navigation and commerce on both sides, against all disturbers of it whomsoever, by the methods agreed on in this Treaty, or by such as may hereafter be agreed on; and shall not suffer any thing to be done or committed contrary to this Treaty, either by themselves or by their subjects and people.

IV. It shall be free for both of the said confederates, and their inhabitants and subjects, to enter by land or



sea into the kingdoms, countries, provinces, territories, islands, cities, villages, towns walled or unwalled, fortified or unfortified, harbours, dominions or jurisdictions whatsoever, freely and securely, without any license or safe conduct, general or special, and there to pass and repass, to reside therein, or to travel through the same, and in the mean time to buy provisions and all necessaries, and they shall be treated with all manner of civility. It shall be lawful also for both of the confederates and their subjects, citizens and inhabitants, to trade, traffic, and exercise commerce in all places where loever commerce has been at any time hitherto used, and in whatsoever goods and merchandize they please, provided they are not contraband; and they shall have leave to import and export them at discretion, the due customs being always paid, and the laws and ordinances of both kingdoms, whether relating to merchandize or any other right, always observed. Which things being presupposed, the people, subjects and inhabitants of one of the confederates shall have and hold in the countries, lands, dominions and kingdoms of the other, such full and ample privileges, and as many exemptions, liberties and immunities, as any foreigner whatsoever doth or shall enjoy in the said dominions and kingdoms on both sides.

V. Neither the merchants, captains of ships, masters, mariners, or other persons whatsoever, nor the ships or any goods and merchandize of either of the confederates, or his subjects or inhabitants, shall in any public or private name, by virtue of any general or special edict, be seized or laid under embargo in any of the countries, harbours, roads, shores, or dominions whatsoever of the other confederate, for the public use, military expeditions; or for any other cause, much less for any one's private use: nor be compelled by any manner of violence, nor in any wise molested or injured. Provided only that such embargos as are agreeable to law and equity be not prohibited, if they are made according to the ordinary forms of law, not for the sake of indulging any one's private resentment, and are indispensably necessary for the administration of right and justice.

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VI. But if one or more ships of either of the confederates, whether ships of war or private merchantmen, are drove by storms, pirates, enemies, or other urgent necessity, into the harbours, havens, or upon any of the coasts whatsoever of the other confederate, they shall be received courteously and with all civility, and enjoy friendly protection without being in any respect hindered from the means of resitting entirely, and from purchasing whatever they want for their provision, repair and conveniency, at the market price. Nor shall they on any account be prohibited to depart in like manner from such port and haven when they please, without paying the duties and customs; so long as nothing be done or committed contrary to the statutes and ordonnances of the place to which the said ships shall be carried, or where they shall stay.

VII. For the like reason, if any one or more ships, public or private, of either of the confederates, or his subjects and inhabitants, have ran ashore, been cast away, or, (which God forbid) suffered any wreck, or loss whatsoever, or shall suffer any hereafter, the sufferers shall be kindly and friendly relieved, and have such assistance for a proper premium, that whatsoever remains of the wreck may be preserved and restored to the owners and proprietors; provided they or their attornies or proctors lay claim to the said ships and goods within twelve months after the wreck happened; saving always the laws and customs of both nations.

VIII. That if the subjects and inhabitants of either of the confederates, whether they be merchants with their factors, servants, captains, and masters of ships, mariners, or whether they are travellers or residents in the dominions of the other confederates, or agents in their name in any court of justice, either for the recovery of their debts, or other lawful reasons, if they want the assistance of the magistrates they shall have it with speed, and according to the equity of the cause, and justice shall be administered without tedious and unnecessary delays. They shall in no sort, nor under any pretence be hindered, but and all the most friendly

friendly offices in the dispatch of their affairs, in the purchase and sale of goods, in the payments to be made for them, and in performing their journeys. It shall also be free for them on both sides, as they pass and repass on the shores, or to and from the ships, harbours, and public places of either confederate, to carry arms in their own defence: provided they do not give the governors and magistrates of any place whatsoever, any just suspicion that they are in a plot against the peace of the public, or of private persons. And whosoever behaves modestly, shall in a special manner be protected from all injury, violence and trouble.

IX. It shall be lawful for the said confederates, and the people and subjects of both, to buy and export out of the respective countries, dominions and kingdoms of either, all manner of arms and military equipage, and safely and freely to carry their ships to any ports, havens and shores of either, there to stay, and thence to depart: provided they behave modestly, peaceably and agreeably to the laws and customs of each place, and do not in any respect hinder the freedom of commerce. In like manner, men of war and wardships shall have free access to the ports, havens or rivers of the other confederate; and it shall be free for them to cast anchor, stay, and depart from thence without any injury or molestation, provided these conditions are observed.

1. That the squadron to be carried into the harbour of the confederate, shall not exceed the number of five or six ships, without giving notice thereof beforehand.

2. That the commander of the squadron, and ships, shall without delay exhibit his letters of safe conduct to the governor or magistrate of the castle, fort, city or province wheresoever they arrive, and give notice of the reason of his coming, and for what end, and how long he designs to stay in that port or haven.

3. That such ships shall not come or stay nearer to the forts than is convenient.

4. That the mariners, ships companies and soldiers shall not go ashore in bodies above 40 at a time, nor any number that may give suspicion.

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5. That while they are there, they shall not do any damage to any person, not even to their enemies; and above all, shall not stop or obstruct the passage of any merchant ships whatsoever into or out of the harbour.

6. That they shall not go out of the haven for the sake of infesting the navigation of any nation whatsoever.

7. That they shall in all respects live and behave modestly, and conformably to the laws and customs of every place, and special regard to the reciprocal friendship between the confederates. If either of the confederates shall think it advantageous, or necessary, to enter the ports of the other confederate with a greater number of ships, and to enjoy the conveniences thereof, he shall signify the same to his confederate six months beforehand, during which time, the ways and means of admitting the same shall be settled; but the ships of either are drove into the ports of the other, for avoiding tempests or enemies, in such case the reason of their coming shall be notified to the governor or chief magistrate of the place, nor shall they stay there longer than the time granted by the governor or chief magistrate, a regard being always had to the laws and conditions aforesaid in this article.

X. It shall be lawful for any of the subjects and inhabitants of Sweden whatsoever, to travel in England and all the dominions thereof, and to pass through the same by land or sea at pleasure, to any other nation whatsoever, and to renew commerce with them, and freely to traffick in all kinds of merchandize, and to carry thither and export from thence; and the subjects of the King of Great Britain shall enjoy the same liberties in the kingdoms, dominions and territories of the King of Sweden on condition that the ordinances and peculiar prerogatives of every nation relating to commerce and merchandize be observed on both sides.

XI. Although the foregoing articles of this treaty and the laws of friendship do forbid, that either of the confederates shall give aid and supplies to the enemy

of the other, yet it is by no means to be understood that that confederate, with his subjects and inhabitants, who is not a party in war, shall be denied the liberty of trade and navigation with the enemies of that confederate who is involved in such war; provided only that no goods called contraband, and especially money, no provisions, nor arms, nor bombs with their fuses and other appurtenances; no fire-balls, gun-powder, matches, cannon-ball, spears, swords, lances, pikes, halberds, guns, mortars, petards, grenadoes, musket-rests, bandoliers, saltpetre, muskets, musket-bullets, helmets, head-pieces, breast-plates, coats of mail, commonly called cuirasses, and the like kind of arms, nor soldiers horses with their furniture, nor pistols, belts, or any other instruments of war, nor ships of war and guard-ships, be carried to the enemies of the other confederate. Nor shall either of the confederates permit that the rebels or enemies of the other be assisted by the endeavours of any of his subjects, or that their ships be sold, lent, or in any manner made use of by the enemies or rebels of either, to his disadvantage or detriment. But it shall be lawful for either of the confederates, and his people or subjects to trade with the enemies of the other, and to carry them any merchandise whatsoever (excepting what is above excepted) without any impediment; provided they are not carried to those ports or places which are besieged by the other, in which case they shall have free leave either to sell their goods to the besiegers, or to repair with them to any other port which is not besieged.

XIII. For the evading of all suspicion and collusion, lest the free navigation or intercourse of one of the confederates and his subjects, and inhabitants by land or sea, with other nations, while the other confederate is at war, should be carried on to the prejudice of the other confederate, and lest the enemies goods and merchandise should be concealed under the disguise of the goods of friends, it is stipulated that all ships, carriages, wares and men belonging to the other of the confederation, shall be furnished in their journeys and voyages with safe conducts, commonly called passports and certificates, such as are underwritten, verbatim, signed and

subscribed by the chief magistrate of that province and city, or by the chief commissioners of the customs and tolls, and specifying the true names of the ships, cargoes, goods and masters of the vessels, as also the exact dates, together with other descriptions of that sort as are expressed in the following form of a safe conduct and certificate. Wherefore if any person shall affirm upon the oath by which he is bound to the King, state, or city, that he has given in true accounts, and be convicted on sufficient proof that any fraud has been concealed under his affirmation by his consent, he shall be severely punished as a transgressor of the said oath.

We N. N. Governor or Chief Magistrate, or the Commissioners of the Duties and Customs of the city or province of N. [the title or office of the respective government of that place being added] do make known, and certify, that on the \_\_\_\_\_ day of the month of \_\_\_\_\_ in the year of \_\_\_\_\_ N. N. N. citizens and inhabitants of N. and subjects of his Sacred Royal Majesty of Sweden, or of his Sacred Royal Majesty of Great Britain, personally appeared before us in the city or town of N. in the dominions of his Sacred Royal Majesty of Sweden, or of his Sacred Royal Majesty of Great Britain, [as the case shall happen], and declared to us upon the oath by which they are related and bound to our Most Gracious overrign, his Sacred Royal Majesty of Sweden and to our city, or to his Sacred Royal Majesty of Great Britain and to our city, that the ship or vessel called N. of about \_\_\_\_\_ lasts or tons, belongs to the port, city or town of N. in the dominions of N. and that the said ship does rightfully belong to him or other subjects of his Sacred Royal Majesty of Sweden, or his Sacred Royal Majesty of Great Britain, that he is bound directly from the port of N. to the port of N. laden with the following merchandize, viz. [here shall be specified the goods with their quantity and quality; for example, about so many chests or bales, about so many hogheads, &c. according to the quantity and condition of the goods] and affirmed on the oath aforesaid, that the said goods and merchandize belong only to the subjects of his Sacred Royal Majesty of Great Britain



tain; [or expressing whatever other nation they are subjects of] and that N. N. N. declared upon their said oath, that the said goods above specified, and no others, are already put on board, or are to be put on board the abovenamed ship for the said voyage, and that no part of those goods belongs to any other person whatsoever but those abovementioned; and that no goods are disguised or concealed therein by any fictitious name whatsoever, but that the wares abovementioned are truly and really put on board for the use of the said owners, and no others and that the Captain of the said ship named N. is a citizen of the city of N. Therefore, whereas after strict examination by us (the Governor or Chief Magistrate or Commissioners of the Duties and Customs of the city aforesaid) it fully appears that the said ship or vessel, and the goods on board the same are free, and do truly and really belong to the subjects of his Sacred Royal Majesty of Sweden, or of his Sacred Royal Majesty of Great Britain, or to the inhabitants of other nations as aforesaid, we do most humbly and earnestly require it of all and singular the powers by land and sea, Kings, Princes, Republics and Free Cities, also of the Generals of armies, Admirals, Commanders, Officers, and Governors of ports, and all others to whom the custody of any harbour or sea is committed, which happen to meet this ship in her voyage, or if the chance to fall in, among, or pass through their squadrons, or to stay in their harbours, that for the sake of the treaties and friendship which subsist respectively between them, or whoever are his superiors, and his Sacred Royal Majesty our Most Gracious Sovereign the King of Sweden, or his Sacred Royal Majesty our Most Gracious Sovereign the King of Great Britain, that they will not only permit the said captain with the ship N. and the men, goods and merchandize to her belonging, to prosecute her voyage freely without lett or molestation, but also if he think fit to depart out of the said harbour elsewhere, that they will shew all kind offices to him, and his ship, as a subject of his Sacred Royal Majesty of Sweden, or of his Sacred Royal Majesty of Great Britain, as they shall in like manner experience the same from his

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Sacred Royal Majesty of Sweden, or from his Sacred Royal Majesty of Great Britain, and from all his ministers and subjects in the like, or any other case. In witness whereof we have taken care that these presents, signed by our own hands, be sealed with the seal of our city. Given, &c.

Therefore when the merchandize, goods, ships, or men of either of the confederates and his subjects and inhabitants, shall meet, or be met in the open sea, in harbours, havens, countries, or other places whatsoever, by men of war or privateers, or by the subjects and inhabitants of the other confederate, after producing only their safe conducts and certificates aforesaid, nothing farther shall be demanded of them, no inquiry whatsoever shall be made into the goods, ships or men, much less shall they be injured, damaged or molested, but shall be freely let go to prosecute their voyage and purpose. But if this solemn and stated form of the certificate be not produced, or there be any other just and urgent cause of suspicion, why this ship ought to be searched, which shall only be deemed justifiable in this case, and not otherwise, then if the goods of the enemy are found in the ships of the confederate, that part only which belongs to the enemy shall be made prize, and the other which belongs to the confederate shall be immediately restored. The same thing shall also be observed, if the goods of the other confederate are found on board a ship of the enemy. If any thing be done by either party contrary to the genuine meaning of this article, both of the confederates shall take care that the severest punishment, due to the most heinous crimes, be inflicted on such of his subjects and inhabitants as are the offenders, for their contempt and transgression of the Royal commands; and that plenary and immediate satisfaction be made to the injured confederate for all loss and expences, of which the most summary proof shall be admitted by the other confederate, or his subjects and inhabitants, without the intricate quibbles of the law.

XIII. Neither of these confederates shall suffer the ships, vessels, goods or merchandize of the other, or

of his people or subjects, which are taken at sea or elsewhere by enemies or rebels, to be brought into his ports and dominions, but shall publickly forbid any thing of that kind to be done. And if any ships, vessels, goods and merchandize of either, or his people or subjects taken at sea, or elsewhere, shall be carried into the ports or countries of the other by any enemy or rebel of the confederates, or either of them, such confederate shall not suffer the same, or any part thereof to be sold in that port, or any other place in their dominion; but shall take care that the master of the ship, or vessel, so taken, as also the mariners and passengers, shall, as soon as they arrive, be immediately set at liberty, together with as many prisoners, subjects of either kingdom, as shall be brought thither; nor shall he permit the said ship and vessel to stay in that harbour, but shall command the said ship with her goods, merchandize and lading, immediately to leave the port. Provided nevertheless that nothing in this article be turned to the prejudice of the alliances formerly entered into by either of the confederates with other nations; and where these things do not interfere, the above article shall remain in full force.

XIV. If it shall also happen hereafter, while this friendship and alliance subsists, that any of the people and subjects of either of the confederates, does endeavour any thing contrary to this treaty, or any part thereof, by land, sea, or in any waters, this friendship treaty and covenant between the said confederates, shall not on that account be interrupted or dissolved, but shall nevertheless continue and remain entire. And those private persons only shall suffer punishment who shall violate this treaty; and they who receive injury, shall have right and justice administered, and satisfaction made to them for all their loss and injury within twelve months after the demand of such restitution. But if such delinquents and persons, guilty of the violence committed, shall refuse to appear and submit to justice, or to make satisfaction within the term aforesaid, whoever they are, they shall be renounced as enemies of both States, and their substance, goods and possessions, what and how great soever they are, shall be forfeited and exposed to sale, towards making full and just satisfaction for the injuries



juries which they have committed; and the offenders themselves, when they come into the jurisdiction of either State, shall moreover suffer condign punishment according to the nature of the crime.

XV. The present treaty and confederacy shall derogate nothing from any pre-eminence, law and dominion whatsoever of either of the confederates, in any of their seas, firths and waters whatsoever, but they shall have and hold the same in as ample a manner as they have hitherto enjoyed them, and as to them of right appertains.

XVI. Whereas therefore 'tis the principal end of this treaty, that such a freedom of navigation and commerce as is described in the foregoing articles may be and remain on both sides, to both the confederates, their subjects and inhabitants in the Baltick, the Sound, the Northern, Western, British and Mediterranean seas, and the Channel, and all the other seas of Europe, both sides shall sincerely contribute their joint advice, aid and assistance that the said mutual freedom of navigation and commerce may be established in all the said seas and firths, and (if there be occasion) that it be defended against all disturbers, who shall offer to interrupt, prohibit, hinder, or constrain it for their own pleasure, and for the sake of injuring the confederates; and both of the said confederates shall in the most courteous manner shew their good will and readiness for promoting the advantages, and lessening the inconveniencies of the other confederate, saving nevertheless those treaties heretofore entered into by both nations with other kingdoms, republicks and states which shall subsist in full force. But hereafter neither of the confederates shall by any means enter into a treaty, or make any contract with other foreign nations and people whatsoever, to the prejudice of the present treaty in any respect, without the previous knowledge and consent of the other confederate; and if any thing be otherwise stipulated hereafter with others, it shall be reckoned null and void, and altogether give place to this mutual convention.

XVII. And these things which we have agreed to in the foregoing articles, shall immediately from this instant be in full force, and sincerely and duly observed by both parties, and by all persons who are engaged to either

either by obedience, duty and allegiance. And to the end that the said articles may be and remain the more stable and firm hereafter, they shall within the space of six months be signed, sealed and ratified by the hands and seals of our Most Gracious Sovereign his Sacred Royal Majesty of Sweden, and his Sacred Royal Majesty of Great Britain.

In witness and confirmation of all and singular the premises, the present treaty has been signed and sealed with the hands and seals of the Ambassador Extraordinary of his Sacred Royal Majesty of Sweden, and also of his Envoy. Done at Whitehall, the first day of October, 1661.

NICHOLAS BRAHE, (L.S.)

J. P. A. PRINCE DORFF, (L.S.)

We therefore Charles by the Grace of God King and Hereditary Prince of the Swedes, Goths and Vandals, Great Prince of Finland, &c. have commanded, approved and ratified, as we do by these presents command, approve and ratify, in our best manner, the articles above expressed and inserted in the instrument of the treaty, as made in pursuance of our commands, promising on our Royal word, and in the name of ourselves and the Kings our successors, that we will inviolably and bona fide observe and perform them, and that we will not suffer them to be violated in any measure, by our own subjects or others whomsoever. In witness whereof we have commanded these presents, signed by our most Honoured and Dear Mother, and by our other Administrators respectively, to be sealed with our Great Seal. Done at Stockholm, anno 1661.

HEDWIG ELEONORA, (L.S.)

PETER BRAHE, Count in Visingburg, Drost of the kingdom of Sweden.

MAGNUS GABRIEL DE LA GARDIE, Chancellor of the kingdom.

GUSTAVUS BANERIUS, Deputy Marshal of the kingdom.

CLAUDIVS BIERKENSTIERN, Vice Admiral of the kingdom.

GUSTAVUS BOND, Treasurer of the kingdom.

*A Treaty of Commerce between France and England, on  
February 24th, 1677.*

As the most serene and most potent Prince Lewis XIV. the most Christian King of France and Navarre, and the most serene and most potent Prince Charles II. King of Great Britain have no greater desire than day by day to strengthen anew, and with the strongest ties, the friendship which is between the said Kings, and the faithful and sincere union that is between their kingdoms and subjects; their Majesties believed nothing could more contribute thereto, than a new Treaty about the freedom and security of Commerce, and they have to this end named Plenipotentiaries, to wit, by the most Christian King, Simon Arnauld Lord of Pomponne, Privy Counsellor to his Sacred Royal Majesty, and Secretary of State; and by the King of Great Britain, Ralph Montagu, Esq; Master of the Great Wardrobe to the said King, and Master of the Horse to the Queen: who after they had exchanged their powers, have agreed upon the following articles:

I. That all the subjects of the most Christian King might sail, trade, and use all sorts of trafficking, with all freedom and security, in all the kingdoms, countries and territories, that now are, or hereafter shall be at peace, or in neutrality, with the said most Christian Kings, without being hindered or molested by the men of war, or any other ships, belonging to the most serene King of Great Britain, or his subjects, upon the account or under pretence of any war or hostility, there may be at present, or hereafter shall be, between the said King of Great Britain, and the princes and states, which are or hereafter may be at peace and neutrality with the said most Christian King: And reciprocally all the subjects of the King of Great Britain may navigate, negotiate and drive on all manner of traffick, with all freedom and security, in all the kingdoms, countries and states, which now are or hereafter shall be at peace and neutrality with the said King, without being disturbed or molested by any men of war, or other ships

or to the most serene King of Great Britain, what place that is adjacent to a place

lastly,



whatsoever, appertaining to the most Christian King or his subjects, upon the account or under the pretence of any war or hostility, which now is, or hereafter may be, between the most Christian King, and the princes and states, which are, or hereafter may be at peace or neutrality with the said King of Great-Britain.

II. They may traffick during the war, with the same merchandizes with which they may trade in time of peace; but with an exception of all contraband goods, as explained in the following article.

III. The goods prohibited and contraband are cannon, and their furniture, fire-arms, powder, match, bullets, pikes, swords, lances, halberds, pottis, bombs, mortars, petards, grenadoes, musket-stocks, bandoliers, salt-petre, balls, head-pieces, shields, cuirasses, and the like armour. Under the same name also, the transporting of soldiers, horses, charrasses, pistol-stocks, belts, and other things appertaining to and used in war, is prohibited.

IV. The following merchandizes are not to be comprized in the number of prohibited and contraband goods, viz. woollen, linen, silk, cotton, or any other stuffs and manufactures whatsoever; all sorts of cloths and dresses, made of stuffs or any other matter of gold or silver, coined or uncoined; tin, iron, lead, copper, coal, corn, barley, and other grain and pulses; tobacco, spices, salted and dried flesh, dry and salt fish, cheese, butter, bees, oil, wine, sugar, salts, and every thing appertaining to the nourishment and support of life; neither are cottons, hemp, flax, pitch, cordages, sails, anchors, masts, boards, and wood wrought of all sorts of trees, and that serve for building ships, or the repair of them. And let the said commodities remain free, as well as all others in general that are not comprehended in the preceding article; in such sort that the subjects of the most Christian King may not only transport the same from a place where there is a neutrality, to any other that is neutral, or from a place or port where there is a neutrality, to any other that is an enemy to the most serene King of Great-Britain; or lastly, from a place that is an enemy, to a place that

is neutral; but also from a port or other place belonging to the enemies of the said King, to another also belonging to his enemies; whether these ports or other places be under the obedience of one prince or state, or of several princes or states, with one or all of which the King of Great-Britain is at war. The subjects of the most serene King of Great-Britain may reciprocally transport the said merchandizes, not only from one place where there is a neutrality, to another that is neutral, or from a place or port where there is a neutrality, to another that is an enemy to the most Christian King; or lastly, from a place that is an enemy, to another where a neutrality is observed, but also from a port or other place belonging to the enemies of the said King, to another appertaining also to his enemies; whether these ports or other places be under the obedience of one prince or state, or of several princes and states, with one or all of which the said most Christian King is at war: But yet such things must not be carried up or all to towns and places besieged, blocked up or invested.

V. In order to terminate all differences that may arise, either by sea or land, it has been agreed, That the ships, or other vessels belonging to the subjects of the most Christian King, which enter into the havens or ports of the King of Great Britain, and would go elsewhere from thence, shall not be detained any longer than to produce and exhibit their passports, the form whereof is annexed to this treaty, to the officers of the said King. And if there be in the said ports or havens any ships of war belonging to the King of Great Britain or privateers, the commanders of the said ships are free to depart, without demanding any money or any thing else of them upon that account; but if the ships or other vessels appertaining to the subjects of the most Christian King, be met with in the open sea, or such places as are not under the dominion of the King of Great-Britain, by the ships of war of the said King, or others fitted out by his subjects; the said ships may, by keeping at a reasonable distance off, send their shallop on board the said ships or vessels of the subjects of the most

most Christian King, and shall put two or three men on board, to the end that the master or owner may shew to them his passport, after which they shall freely pass, without being any way molested, searched, stopped, or forced to alter their course. The subjects of the King of Great-Britain shall enjoy the same freedom and immunities, by producing their passports, according to the form before-mentioned.

VII. If any vessel or bark belonging to the subjects of the most Christian King, and passing to a country that is an enemy to the King of Great-Britain, meets with a man of war in her passage; in like manner, if a ship appertaining to the English, and other subjects of the King of Great-Britain, is met with going towards a port that is an enemy to the most Christian King, it shall not be enough for her to shew her passports; but she shall also produce certificates, in due and authentic form, from the officers and visiters of the custom-house, of its going out of the port from whence she departed, containing an account of all the cargo on board her; to the end that it may be known, whether there are any contraband goods there, and of the nature of those that are particularized in the third article of this treaty.

VIII. If upon producing the said certificates it appears, that there are contraband goods on board, condemned for an enemy's port; yet you are not to go under the flag, nor to open or break any chests, bales, casks or boxes, nor take the least thing out of her, till she is brought into a port, where a just inventory shall be taken in the presence of the custom-house officers; and nothing thereof shall be sold or bartered, till after a fair trial before the Judge of the Admiralty-Court, and sentence shall be passed for the confiscation of such merchandizes. In such confiscation nevertheless, the hulk of the vessel, and the lawful merchandize on board her, shall not be seized, and the said free goods cannot be detained, but shall be declared good prize, upon the account of the said contraband merchandize. If the vessel is laden in part with contraband goods, and that the master thereof offers at the same time to put them into the captain's hands, he shall not oblige him to go into the port



port he had a mind to; but suffer him to continue  
voyage.

VIII. The merchandizes appertaining to the subjects  
of the most Christian King, which shall be found  
on board ships that are enemies to the King of Great  
Britain, shall be liable to forfeiture, though they be  
not contraband; and on the contrary, the goods of the  
enemies of the said King of Great-Britain cannot  
be taken nor confiscated, if they be found on board the  
ships appertaining to the subjects of the said most  
Christian King, although the said goods make up the  
best part of the whole lading of the said ships, but  
with an exception of those that are contraband; which  
when they are taken, are to be disposed of in the man-  
ner set down in the preceding article. In like manner  
the merchandizes belonging to the subjects of the King  
of Great-Britain, which are found on board the ships  
of the enemies of the most Christian King, shall be  
liable to confiscation, though they be not contraband;  
and on the contrary, the merchandizes of the enemies  
of the said most Christian King shall not be taken nor  
confiscated, if they are found on board the ships apper-  
taining to the subjects of the King of Great-Britain,  
though the said merchandizes make up the best part  
of the whole lading of the said ships, but still with an ex-  
ception to contraband goods; as to which, when they  
are taken, they are to be disposed of in the same manner  
as in the preceding articles. And in order to prevent  
a new war that may happen, from injuring and being  
prejudice to the subjects of that crown that shall  
be at peace; it is agreed, that the ships of the new en-  
emies, laden with effects and merchandizes belonging  
to the subjects of the said crown that shall be at peace,  
shall not be forfeited, if they have been laden therewith  
before the end of the term hereafter specified, which  
term shall be six weeks after the declaration of the war  
between the Soundings and the Naz in Norway, six  
months between the Soundings and Tangier, six  
months and a half in the Mediterranean, and eight  
months in all other parts of the world. In like manner  
the effects of the subjects of the most Christian King

taken in the vessels of the new enemies of the most  
 serene King of Great Britain, may not be confiscated  
 under this pretence, but shall forthwith be restored to  
 the owners, unless they have been put on board the  
 ships after the end of the term above noted; how-  
 ever, contraband goods, which are liable to confiscation  
 for the reasons aforesaid, must not be carried into the  
 enemies ports: And reciprocally, the effects of the  
 subjects of the most serene King of Great Britain, taken  
 on board the ships of the new enemies of the most  
 Christian King, cannot be forfeited under that pretence,  
 but shall forthwith be restored to the owners, unless they  
 have been put on board after the end of the term aforesaid;  
 nevertheless, contraband goods, which would  
 be confiscated for the aforesaid reasons, cannot be  
 conveyed into the enemies ports.  
 X. And to the end they may be very safe, and that  
 the subjects both of the one and the other crown may  
 be in no danger from the men of war, their Majesties  
 shall give severe charges and inhibitions to all the cap-  
 tains of ships, and all privateers, that they do not ab-  
 use their force, or do any injury or damage to the merchant ships, under the  
 penalty of being severely punished: Besides which, they  
 shall also be punished in their persons, and be obliged  
 to make restitution and reparation of damage to those  
 from whom they have wronged.  
 XI. And to this effect the privateers shall, for those  
 in whom they are commissioned, be obliged, before their commission is made out,  
 to give sufficient and able security of such persons as  
 shall be no share in fitting them out, and to be done before  
 three judges, to the sum of fifteen hundred pounds  
 sterling, or thirty-three thousand livres; which sum  
 shall be effectually bound, together with the  
 privateers, to make good the injury and damage they  
 shall do during their cruising, either by themselves, or  
 by their officers and others under their command, contrary  
 to the tenor of this treaty, and of all others made  
 between the said most Christian King and King of  
 Great Britain: Besides which, the said privateers shall  
 deposit and fore their commissions, wherein their names  
 shall be inserted, and their giving security shall always be inserted, to  
 the most Christian King, and to the subjects of the most Christian King, which

which it is added, that the ship shall particularly liable to the payment of all the damages and interest upon the same.

XI. The most serene and most Christian King, and the most serene King of Great Britain, being mutually desirous that the subjects both of the one and the other King may be received and used in all the territories the other, as favourably as if they were his own subjects, shall give all proper orders to have justice duly administered, by unbiased and disinterested judges, in respect to the prizes that shall be taken; and the said King shall expressly command, that the sentences, which shall be hereafter pronounced, be fully put in execution, according to their tenor and form.

XII. When the Ambassadors, or other Ministers of the most Christian King residing in the court of Great Britain, shall complain of the injustice of the sentence pronounced about the taking of ships or merchandises as prize, which belong to the subjects of the said most Christian King; the said King of Great Britain shall at the same time name nine of his Council, empowered by commission under the Great Seal, to take cognizance of the affair, and to confirm or annul the said sentence; and the said Commissioners shall be obliged to meet within a month's time, to commence from the day the complaint is made; and to give their judgment within three months after. In like manner, if the Ambassadors or Ministers of the King of Great Britain, residing in the court of the most Christian King, shall complain of the sentences given concerning prizes taken from subjects of the said King of Great Britain; the most Christian King at their desire, shall cause the sentences to be reviewed and examined in his Council in order to have them confirmed or annulled; and the controversy shall be decided within four months, to commence from the day wherein the complaint is made.

XIII. When a suit is commenced between those who shall take the prize on the one hand, and those who shall reclaim it on the other, if the sentence is pronounced in favour of the claimer, it shall be put in execution upon giving security, notwithstanding an appeal.



made: But this shall not be done, when the sentence shall be given against those that reclaim.

XIV. As it sometimes happens, that the ships which make prizes in time of war, treat the masters, pilots and passengers taken therein, very inhumanly, to extort such a confession and declaration from them, as they have a mind to: It has been agreed, that their Majesties shall prohibit such severe usage under very rigorous penalties, and punish those that are convicted according to their demerit, and in such a manner as may deter others from doing the like. The captains and officers who shall be found guilty of these inhumanities and violences, whether they have done them themselves, or caused them to be done or suffered, shall forthwith be cashiered, and they shall besides be proceeded against according to the heinousness of the crime: and every vessel that is taken, in which the seamen and passengers shall be ill used, shall be released and let at liberty, with an allowance of charges, and without any further law or examination thereon.

XV. It hath also been agreed on, that those shall be very severely punished, who take commissions from the enemies of one of the said Kings, to take prizes from his subjects.

XVI. Lastly, That the present treaty shall be agreed and confirmed as soon as possible, and the ratifications exchanged in two months time, at Germaine en Laye.

(L. S.) Argault. (L. S.) R. Montagu.  
*explanatory Declaration of certain Articles of the Treaties, concluded between Great Britain and the States General, in the Years 1667-8, and 1674.*

*Done at the Hague, the 30th of December, 1675.*

WHENAS some difficulties have arose touching the construction of certain articles, as well in the aforesaid treaty which was concluded, 12 of Decemr. 1674, as in that which was concluded, 12 of Febr. 1667-8, between the King of Great-Britain on the

(50)  
one part, and the States General on the other, touching the liberty allowed to their subjects respectively of trading in the ports of the enemies of either of the parties. We do declare by these presents, that the true sense and intention of the said articles, is, and ought to be, that the ships and vessels belonging to the subjects of the one or the other of the parties, may at all times, from the time of the conclusion of the said articles, pass, trade and traffic, not only from a neutral port or place, into a place belonging to an enemy of the other party, or from a place belonging to an enemy into a neutral place, but likewise from one port or place belonging to an enemy, into any other port or place belonging likewise to an enemy of the other party; whether such places belong to the same prince or state, or to divers princes or states, with whom the other party shall be at war.

*Treaty between Great Britain and the United Provinces, to be observed by Land and by Sea, throughout all Countries and Parts of the World, concluded at London, December the 1st, 1674.*

THAT it shall and may be lawful for all and every the subjects of the Most Serene and Mighty Prince the King of Great Britain, with all freedom and safety to sail, trade, and exercise all manner of traffick, in all other kingdoms, countries and estates, which now are or at any time hereafter shall be in peace, amity or neutrality with his said Majesty, so as they shall not be in any ways hindered or molested in their navigation or trade by the military forces, ships of war, or any other vessels whatsoever belonging either to the High and Mighty Lords the States General of the United Netherlands, or to their subjects, upon account or under pretence of any hostility or quarrel now subsisting, or which may hereafter happen between the said Lord the States General, and any other princes or people whatsoever, in peace, amity or neutrality with his said Majesty; and likewise, that it shall and may be lawful for all and every the subjects of the said High and Mighty

Mighty Lords the States General of the United Netherlands, with all freedom and safety to sail, trade, and exercise all manner of traffick, in all other kingdoms, countries and estates, which now are, or at any time hereafter shall be at peace, amity or neutrality with the aforesaid Lords the States; so as they shall not be any ways hindered or molested in their navigation or trade, by the military forces, ships of war, or any other vessels whatsoever, belonging either to the said King, or to his subjects, upon account or under pretence of any hostility or quarrel now subsisting, or which may hereafter happen between his said Majesty and any other princes or people whatsoever, which are or shall begin peace, amity, or neutrality with the said Lords the States.

II. Nor shall this freedom of navigation and commerce be violated or interrupted by reason of any war, as to any kind of merchandize, but such freedom shall extend to all commodities, which might be carried in time of peace; those only excepted, which are described under the name of contraband goods in the following article :

III. Under this name of contraband or prohibited goods, shall be comprehended only arms, pieces of ordnance, with all implements belonging to them, fire-balls, powder, match, bullets, pikes, swords, lances, spears, halberds, guns, mortar-pieces, petard, granadoes, musket-rests, bandeliers, saltpetre, muskets, musket-stocks, helmets, corselets, breast-plates, coats of mail, and the like kind of armature; soldiers, horses, and all things necessary for the furniture of horses, holsters, belts, and all other warlike instruments whatsoever.

IV. The following goods shall not be deemed contraband, viz. All kind of cloth, and all other manufactures woven of any kind of wool, flax, silk, cotton, or any other material; all sorts of cloathing and garments, together with the materials whereof they are made; gold and silver, as well coined as not coined; tin, iron, lead, copper, and coals; as also wheat, barley, and all other kind of corn, or pulse; tobacco, and all kind of spices; salted and smoked flesh, salted and dried fish,



butter, cheese, beer, oil, wine, sugar, and all kind of salt; and in general, all provisions which serve for the nourishment and sustenance of life; likewise all kind of cotton, hemp, flax and pitch, and ropes, sail and anchors, masts and planks, boards and beams of any kind of wood, and all other materials requisite for building or repairing ships; but they shall be wholly reputed free goods, as likewise all other wares and things which are not comprehended in the next preceding article, so that the same may be freely transported and carried by the subjects of his said Majesty, even unto places at enmity with the said States; as also, on the other side, by the subjects of the said States to places under the obedience of the enemies of his said Majesty, except only to towns or places besieged, blocked up, or invested.

V. And that all differences and contentions on both sides by sea and land, may from henceforth cease and be utterly extinguished, it is agreed, that all kind of ships and vessels whatsoever belonging to the subjects of his said Majesty, entering or being entered into any road or port under the obedience of the Lords the States, and purposing to pass from thence, shall be only obliged to shew unto the officers of such port, or to the captains of the guardships or privateers belonging to the States (if any happen there to be) their passport according to the form annexed to this present treaty, nor shall any money, or any thing else be exacted from them upon that account: But if any ship belonging to the subjects of his Majesty of Great Britain, shall in the open sea, or elsewhere out of the dominions of the said States, meet any ships or war of the said Lords the States, or privateers belonging to their subjects, the said ships of the Lords the States or of their subjects, shall keep at a convenient distance, and only send out their boat, with two or three men only, to go on board such ships and vessels of the subjects of his Majesty, in order that the passport (or sea brief) concerning the property thereof according to the form here under annexed, may be produced to them by the captain or master of such ship or vessel belonging to the subjects of his Majesty, and the

said

said ships so producing the same, shall freely pass; and it shall not be lawful to molest, search, detain, or force such ship from her intended voyage: And the subjects of the Lords the States shall enjoy in all things the same liberty and immunity, they in like manner shewing their passport (or sea brief) made out according to the form prescribed at the foot of this treaty.

VI. But if any ship or vessel belonging to the English, or other subjects of Great-Britain, shall be met making into any port belonging to an enemy of the Lords the States; or, on the other side, if any ship belonging to the United Provinces of the Netherlands, or other subjects of the Lords the States, shall be met in her way making into any port under the obedience of the enemies of his said Majesty, such ship shall shew not only a passport (or sea brief) according to the form here under subscribed, wherewith she is to be furnished, but also her certificate or cocket, containing a particular of the goods on board, given in the usual form, by the officers of the customs of that port from whence she came; whereby it may be known whether she is laden with any of the goods prohibited by the third article of this treaty.

VII. But in case that, upon shewing such cockets containing a particular of the goods on board, given in the usual form by the officers of the customs of that port from whence the said ship sailed (concerning the shewing whereof it is above agreed) either party shall discover any of that kind of goods, which by the third article of this treaty are declared to be contraband or prohibited, consigned to any port under the obedience of their enemies, it shall not then be lawful to open the hatches of such ship, in which the same shall happen to be found, whether she belongs to the subjects of his Majesty, or of the Lords the States; nor to unlock or break open any chests, packs, or casks in the same, nor to convey away any the least part of the merchandizes, before the whole cargo be first put on shore in the presence of the officers of the admiralty, and an inventory made of the same; neither shall it be lawful to sell, exchange, or any way to alienate the same, before

fore such prohibited goods shall be duly and lawfully proceeded against, and that the judges of the admiralty respectively shall by sentence have declared the same confiscated: Provided always, that as well the ship itself, as the rest of the goods found in the same, which by this treaty are to be reputed free, shall not be detained upon pretence of them being infected by such prohibited goods; much less confiscated as lawful prize; and if a part only, and not the whole of the lading, shall consist of contraband or prohibited goods, and the master of the ship shall be willing and ready to deliver them to the captor who discovered the same, in that case the captor shall not compel the ship to go out of her course to any port he thinks fit, but shall forthwith discharge her, and upon no account hinder her from freely pursuing her intended voyage.

VIII. Whatsoever shall be found laden by his Majesty's subjects upon any ship, whatsoever belonging to the enemies of the Lords the States, altho' the same be not of the quality of contraband goods, may be confiscated: But, on the contrary, all that which shall be found put on board ships belonging to the subjects of the King of Great Britain, shall be accounted clear and free, altho' the whole lading, or any part thereof by just title of property should belong to the enemies of the Lords the States, except always contraband goods. But in case any such are intercepted, all things shall be done according to the meaning and direction of the foregoing articles; and so likewise whatsoever shall be found laden by the subjects of the Lords the States upon any ship whatsoever belonging to the enemies of his Majesty, altho' the same be not of the quality of contraband goods, may be confiscated: But on the other side, all that which shall be found put on board ships belonging to the subjects of the Lords the States, shall be accounted clear and free, altho' the whole lading or any part thereof, by just title of property should belong to the enemies of his Majesty, except always contraband goods; but in case any such are intercepted all things shall be done according to the meaning and direction of the foregoing articles: and least any



image should by surprize be done to the one party being at peace, upon the first breaking out of a war with the other party; it is provided and agreed, that a ship belonging to the enemies of either party, and laden with goods of the subjects of the other, shall not by its infection render the said goods liable to confiscation, in case they were laden before the expiration of the terms hereafter mentioned; after the declaration or publication of any such war, viz. If the goods were laden in any port or place between the places or limits called the Soundings, and the Narze in Norway, within the space of six weeks after such declaration; or of two months between the said place, the soundings, and the city of Pangier; of ten weeks in the Mediterranean Sea; or within the space of eight months, in any other country or place of the world; so that it shall not be lawful to confiscate the goods of the subjects of his Majesty, taken or seized in any ship or vessel whatsoever of any enemy of the Lords the States, upon that account, but the same shall be without delay restored to the proprietors, unless they were laden after the expiration of the said terms respectively; but so as it shall not be lawful for them afterwards to carry to enemies ports any of the said merchandizes which are called contraband, and which for the reason aforesaid shall not be liable to confiscation; neither, on the other side, shall it be lawful to confiscate the goods of the subjects of the Lords the States, taken or seized in any ship or vessel whatsoever of an enemy of his Majesty upon that pretence, but the same shall be forthwith restored to the proprietor thereof, unless they were laden after the expiration of the said terms respectively; but so as it shall not be lawful for them afterwards to carry to enemies ports any of the said merchandizes which are called contraband, and which for the reasons aforesaid shall not be liable to confiscation.

IX. And the more effectually to secure the subjects of his Majesty and of the said States, that no injury shall be offered to them by the ships of war, or privateers of either side; all the captains of ships, as well of his Majesty, as of the said States, and of all their subjects,

persons who shall sit out privacies, and likewise their privileged companies, shall strictly be enjoined not to do any injury or damage whatsoever to the other; and that if they transgress therein, they shall be punished; and moreover be liable to satisfy all costs and damages, by due restitution and reparation, upon pain and obligation of person and goods.

XIV. And whereas the masters of merchant ships, and likewise the mariners and passengers, do sometimes suffer many cruelties and barbarous treatment, when they are brought under the power of ships which take prizes in time of war, the captors in an inhuman manner tormenting them, in order to extort from them such confessions as they would have to be made, it is agreed that both his Majesty and the Lords the States General, shall by the most strict proclamations or placards, forbid all such heinous and inhuman offences; and as many as they shall by lawful proofs find guilty of such acts, they shall take care to punish in a just and proper manner, so as to be a terror to others; and they shall command that all captains and officers of ships who shall be proved to have been guilty of such heinous practices, either by their own act, or by instigating others to act the same, or by conniving at such doings, shall (besides other punishments to be inflicted proportionably to their offences) be forthwith deprived of their posts and commissions respectively; and every ship brought in as a prize, whose mariners or passengers shall have suffered any torture, shall forthwith be dismissed and set free, with all her lading, without any further examination or proceeding against her, either judicially or otherwise.

*The Form of the Passport (or Sea Brief) to be asked of and given by the Burgo-Master of the Cities and Ports of the United Netherlands, to the Ships or Vessels sailing from thence, according to the Purport of the Fifth Article of this Treaty.*

TO the Most Serene, Most Illustrious, Most Mighty, Most Noble, Most Honourable, and Most Prudent Emperors, Kings, Governors of Common-wealths, Princes, Dukes,

Dukes, Barons, Lords, Burger-Masters, Schepens, Counsellors, Judges, Officers, Justices and Rulers of all cities and places as well ecclesiastical as secular, to whom these presents shall be shewn: We the Burger-Masters and Rulers of the city of Amsterdam do certify, that

the master or skipper of the ship appeared before us, and declared by solemn oath, that the said ship called the *con-* taining about *lasts*, of which he is at present master or skipper, belongeth to the inhabitants of the United Netherlands. So help him God. And in regard it would be most acceptable to us, that the said master or skipper be admitted in his just and lawful affairs, we do request you, and every of you, wheresoever the said master or skipper shall arrive with his ship, and the goods laden on board and carried in her, that you will please to receive him courteously, and use him kindly, and admit him, upon paying the lawful and usual customs and other duties, to enter into, remain in, and pass from your ports, rivers and dominions, and there to enjoy all kind of right of navigation, traffick, and commerce, in all places where he shall think fit; which we shall most willingly and readily acknowledge upon all occasions: In testimony and confirmation whereof, we have caused the seal of our City to be put to these presents, dated at Amsterdam in the day of *in the year of our Lord*

*Treaty of Peace between Great-Britain and the States-General; concluded at Westminster, February the 12, 1673.*

IV. THE States General of the United Provinces duly acknowledging on their part the right of his Majesty the King of Great-Britain, that honour be paid to his flag in the seas herein after mentioned, shall and do declare and agree, that whatever ships and vessels belonging to the said United Provinces, whether ships of war or others, and whether they be single, or joined together in fleets, shall meet in any seas from Cape Finisterre to the middle point of the Land Van Staten in Norway, with any ships or vessels whatsoever



belonging to his Most Serene Majesty the King of Great-Britain, whether those ships be single or in a greater number, if they carry his Britannick Majesty's flag or jack, the said ships or vessels of the United Provinces shall strike their flag and lower their Top-sail, in the same manner and with like tokens of honour, as hath ever been at any time or in any place heretofore used towards any ship of his Britannick Majesty, or of his Predecessors, by any ships of the States General, and of their predecessors.

Secret Article of the said Treaty. TAHT

Neither of the said parties shall give nor consent that any of their subjects or inhabitants shall give any aid, favour or counsel, directly or indirectly, by land or by sea, or on the fresh waters, nor shall furnish, nor consent that the subjects and inhabitants of their dominions and countries shall furnish any ships, soldiers, mariners, provisions, money, instruments of war, gunpowder or any other things necessary for making war, to the enemies of the other party, of any rank or condition whatsoever.

*Provisional Treaty between Great-Britain and the States General, concluded at Breda, on the same Day with the General Treaty of Peace and Alliance, viz. 31<sup>st</sup> of July, 1667.*

It is covenanted and agreed, that the treaty of navigation and commerce made between the Most Christian King and the said States General, (beginning from the 26<sup>th</sup>, unto the 42<sup>d</sup> article inclusively) in manner as here inserted in the French language, may provisionally serve for a rule and law, and so make way for concluding a more perfect and compleat treaty concerning maritime commerce between the above-mentioned parties.

[Then the said treaty proceeds to recite the said seventeen articles of the marine treaty of 1662, between France and the States General, from the 26<sup>th</sup> to the 42<sup>d</sup> article inclusively, with an additional article, whereby the present contracting powers accept and

confirm the same between themselves respectively: But all the said articles are transferred to and made part of the marine treaty of February 2, 1667-8, and are recited therein article by article, and almost word for word, the same with the said seventeen articles which compose the whole of this marine treaty of July, 1667: *Treaty of Peace and Alliance between Great Britain and the States General, concluded at Breda, 25 of July, 1667.*

THAT the said King of Great Britain and his subjects, and all the inhabitants of his Majesty's dominions; and also the said United Provinces, and their subjects and inhabitants, of what rank or condition soever they be, shall be bound to treat each other in a kind and friendly manner in all things; so that they may freely and safely pass by land or by water into each others countries, cities, towns, walled or unwalled, fortified or unfortified, and likewise their ports, and all other their dominions situate in Europe; and continue and abide therein as long as they please, and there buy such provisions as shall be necessary for their use, without any hindrance; and likewise trade and traffick in goods and commodities of all sorts, as to them shall seem fit, and export and import them at their pleasure; provided they pay the usual duties, and saving all the laws and ordinances of both nations; so as the subjects and inhabitants of either party carrying on their trade in each other's countries and dominions, shall not be obliged hereafter to pay any more or other customs, imposts, or other duties, than according to that proportion which other foreigners trading in the same places do usually pay.

XX. That the ships and vessels of the said United Provinces, as well ships of war as others, meeting any ships of war belonging to the said King of Great Britain in the British seas, shall strike the flag and lower the top-sail, in such manner as the same hath been formerly observed in any times whatsoever.

XXI. And for the greater freedom of commerce and navigation, it is agreed and concluded, that the said

King of Great Britain and the said States General shall not receive into their ports, cities and towns, nor suffer that any of the subjects of either party do receive any pirates or sea-rovers, or afford them any entertainment, assistance or provisions, but shall endeavour that all such pirates and sea-rovers, and their partners, shaters and abettors, be found out and apprehended, and that they suffer condign punishment for a terror to others: And all the ships, goods and commodities, piratically taken by them, and brought into the ports of either party, which can be found, even although they be sold, shall be restored to the right owners, or satisfaction shall be given either to their owners, or to those who by virtue of letters of attorney shall demand the same; provided their right and property therein be made to appear in the Court of Admiralty by due proofs according to law.

XXI. The subjects of the said King of Great Britain, and the inhabitants of the kingdoms and countries under his obedience; as likewise the inhabitants and subjects of the said United Provinces, shall not be permitted to do, or offer any hostility or violence to each other, either by land or by sea, upon any pretence or colour whatsoever; and consequently it shall not be lawful for the said subjects or inhabitants to procure commissions, or letters of reprisals from any Prince or state, with whom either of the confederates are at variance or in open war; and much less by virtue of such letters to molest or do any damage to the subjects of either party; neither shall it be lawful for any foreign privateers, who are not subjects to either confederate, having commissions from any other Prince or state, to fit out their ships in the ports of either of the aforesaid parties, or to sell their prizes, or put the same to ransom, or any other way to truck either the ships and goods, or any other lading whatsoever; and they shall not even be allowed to buy any provisions but what shall be necessary to bring them to the next port of that Prince from whom they obtained their said commissions; and if perchance any one of the subjects of the said King of Great Britain, or of the said States

General



General shall buy or get to himself by truck, or any other way, any ship or goods which have been taken from the subjects of the one or the other party, in such case the said subject shall be bound to restore the said ship or goods to the proprietors without any delay, and without any compensation or reimbursement of any money which may have been paid or promised for the same, provided that they make it appear before the council of the said King of Great-Britain, or before the said States General, that they are the right owners or proprietors of the same.

XXIV. The subjects of the said King of Great-Britain, and those which are under his dominions, may freely and securely travel in and through all the provinces of the United Netherlands, and all their dominions in Europe, by sea or land, and pass to any other places therein or beyond them, and through all quarters of the United Provinces, and all cities, forts or garrisons whatsoever, which are in any places of the United Provinces, or which are or shall be in any other their dominions, in Europe, and may trade in all those places, as likewise their agents, factors and servants, and may go armed or unarmed (but if armed not above forty in a company) as well without their goods and merchandizes as with them, wheresoever they please. The people also and inhabitants of the United Provinces shall enjoy the same liberty and freedom in all the dominions of the said King in Europe: Provided that they and every of them do in their trade and merchandizing yield due obedience to the laws and ordinances of either nation respectively.

XXV. In case any merchant ships belonging to the subjects of either nation shall by storm, pirates, or any other necessity whatsoever, be driven into any port of either dominion, they may depart securely and at their pleasure with their ships and goods, without paying any customs or other duties; (provided they do not break bulk nor sell any thing:.) Nor shall they be subject to any molestation or search, provided they do not take on board any persons or goods, nor do any thing else contrary to the laws, ordinances or customs of the

the

the places where they shall happen to arrive as afore-  
said.

XXVI. Merchants, masters and mariners of either party, or their ships, goods, wares or merchandizes, shall not be arrested or detained in the lands, ports, roads or rivers of the other to serve in war, or for any other service, by virtue of any general or special order, unless upon an extraordinary necessity; and then just satisfaction shall be made for the same; but so as this shall be no prohibition or hindrance of any embargoes or arrests duly made, and in the ordinary course according to the laws of either country.

XXVII. Merchants on both sides, their factors and servants, and also the masters and other mariners, as well going as returning in their ships by sea and other waters, as also in the ports of either party, or going on shore, may carry and use for the defence of themselves and goods, all sorts of weapons as well offensive as defensive; but coming into any lodgings or houses they shall there lay by and leave their arms, until they go on board again.

XXVIII. Ships of war, or convoys of either nation meeting or overtaking at sea any merchant ships, or vessels belonging to the subjects or inhabitants of the other, holding the same course, or going the same way shall be bound, as long as they keep one course together, to protect and defend them against all attack whatsoever.

XXIX. If any ship or ships belonging to the subjects or inhabitants of either party, or of any other nation in neutrality with them, shall be taken in the ports of either nation by any third party, not being subjects or inhabitants of either nation; they, in whose ports or out of whose port or dominion whatsoever such ship shall be taken, shall be obliged to endeavour jointly with the other party, that the said ship or ships be purchased, brought back and restored to the owners; but this shall be done at the charges of the owners or persons having an interest therein.

XXXIV. The subjects and inhabitants of either party shall always have free access to each other's sea ports

there to remain, and from thence to depart with equal liberty; and not only with their merchant ships and cargo, but also with their ships of war, whether they belong to the said King, or to the said States General, or unto such as have obtained special commissions from either; and whether they put in through stress of weather, or other casualty of the seas, or in order to repair their ships, or buy provisions; so as they exceed not the number of eight ships of war, when they come in voluntarily; but they shall not remain or abide longer in such ports or places adjacent, than shall be requisite to repair their said ships, or to buy provisions or other necessities: And in case a greater number of ships of war should be willing upon occasion to come into such ports, they shall in no case enter therein, until they have first obtained leave from those to whom such ports shall appertain; unless they be forced by storm, or some force or necessity, to avoid the danger of the sea; in which case also they shall presently make known the cause of their coming unto the governor or chief magistrate of the place, and shall stay no longer than the said governor or chief magistrate shall permit them; and shall not attempt any acts of hostility, or other prejudicial act of the aforesaid ports, during their abode there.

*Treaty for renewing the Alliance between Great Britain and the States General; concluded at Windsor, August the 17th, 1685.*

IT is agreed and concluded, that all and singular the treaties hereafter mentioned, viz.

The treaty of peace concluded at Breda, in July, 1667.

The treaty of navigation and commerce, of the same date and place.

The treaty of peace concluded at Westminster, in February, 1673-4.

The marine treaty concluded at London in December, 1674, together with the declaration concluded at the Hague, in December, 1675, more fully explaining certain



certain articles of the said treaty of 1674; as likewise of the marine treaty of February, 1667-8.

The article concluded at London, in March 1674-5, for preventing or accommodating disputes between the two East India companies.

The defensive league concluded at London, in March 1677-8, and all and singular the articles contained in the said treaties, and every one of them shall be for ever hereafter continued, confirmed and established, in the same sense, and to the same effect, as they were originally formed and concluded, and shall have and obtain the same force and vigour hereafter, as they ought or were esteemed to have heretofore; and that in as ample manner and form as they were at first drawn up and concluded, and as in the said treaties and the several articles of the same were recited and inserted verbatim in these presents.

*Treaty of Navigation and Commerce between Great Britain and Spain, concluded at Madrid, May the 13th, 1667.*

ALL English merchants and traders passing into the provinces of the Low Countries, or the cities and towns thereof, for the business of trade, and also their servants, factors and agents, shall enjoy from henceforward all privileges, exemptions, immunities and benefits, which they ever have enjoyed at any time or old, according to the force and tenor of treaties heretofore made between the Kings of England and the Dukes of Burgundy, and other governors of the Low Countries.

*Treaty of Peace and Alliance between Great Britain and Spain; concluded at Madrid, November the 15th, 1630.*

WHAT is said concerning free commerce granted to the subjects of the most Serene Kings, the same is likewise to be understood, and in the same manner between the subjects of the most Serene King of England, Scotland and Ireland, and the subjects of the province of Flanders, viz. That they shall have all favour and treat each other in the most friendly manner, and

with all mutual good offices in all places, and may on both sides freely, safely and securely arrive at, and enter into the said kingdoms, dominions, lands, towns, cities, shores, ports and creeks whatsoever, by sea, land, or fresh water, without any passport or other licence, general or special, and may sail, import and export, buy and sell all merchandises in all such places; and abide and traffick there as long as they please, and purchase provisions and all things necessary for their victualling and voyage, at reasonable prices, and repair their ships and vessels, whether they be their own, or hired or borrowed, and freely carry on all kind of business, and depart from thence with the same liberty, with all their goods, wares and merchandizes whatsoever, and return into their own or any other country at their pleasure and discretion, without any lett or molestation, paying the duties and customs according to the laws of the several places respectively.

XX. As to what concerns the ancient treaties of intercourse and commerce between the kingdoms of England, Scotland and Ireland, and the Duke's of Burgundy, and princes of the Netherlands, which have been interrupted during the late ruptures, and perhaps violated in many respects; it is provisionally agreed, that they shall continue in their former force and vigour, and be observed in the same manner as they were before the late war between Philip II. King of Spain, and Elizabeth Queen of England.

*The Treaty of Peace and Alliance between the King of England, and Albert Archduke of Austria, Duke of Burgundy, Brabant, &c. concluded in the year 1604.*

I. THERE shall be from this day forward a good, sincere, true, firm and perfect amity and confederacy, and perpetual peace, which shall be inviolably observed between the most Serene King of England, &c. and the most Serene Archdukes of Austria, Dukes of Burgundy, &c. and their heirs and successors whatsoever, and their kingdoms, countries, dominions, lands, people, liegemen and subjects whatsoever, present and

to cause, of whatsoever condition, state or degree, by  
 well by land as by sea, and fresh waters, so that their  
 vassals and subjects shall behave in a truly friendly  
 manner, and show good affection, and do all good  
 offices to each other.

**XX.** And as the said King and Archduke solemnly  
 promise never to give any warlike assistance to the  
 enemies of each other, so it is likewise provided, that  
 their subjects or inhabitants, of whatsoever nation or  
 quality, shall not on pretence of trade and commerce,  
 or under any other colour, assist the enemies of either  
 prince in any manner; nor furnish them with money,  
 provisions, arms, engines, guns or instruments fit for  
 war, or any other warlike furniture: So that whoever  
 shall act contrary hereto, shall be liable to the severest  
 punishments, and be proceeded against as covenant-  
 breakers and seditious persons.

The 18th and 22d articles of this treaty are the same  
 in substance and effect, and almost to verbatim  
 with the 16th and 20th articles of the treaty of  
 1630, above recited.

*Treaty of League between the Emperor Charles V. Sovereign  
 of the Netherlands, and the King of England, made  
 in 1542.*

Article I. is of the same import with the above  
 recited article, of the treaty of 1630.

**XIII.** For the common benefit of the present peace,  
 league and amity, and that the subjects of both princes  
 may the better carry on and cultivate a mutual com-  
 merce: It is agreed, that as concerning all intercourse  
 of merchandize and a mutual commerce between them,  
 the treaty of commerce dated the 11th of April, 1520,  
 shall be and remain in the same state and force, as is  
 stipulated by the treaty of the 3th of August, 1529.

*Treaty of Commerce between the Emperor Charles V. and  
 the King of England, concluded at London, April 11,  
 1520.*

**II. THAT** all and singular the subjects of the king-  
 doms and dominions of the said princes, their factors,  
 agents



agents and servants, with their ships, goods, wares and merchandize, may sail and come into all and lingy the lands, countries, dominions, cities, towns, camps, forts, jurisdictions and districts of either of the said princes, by land, sea, or fresh waters, and abide there, and buy, sell, and barter all kind of merchandize with any other merchants of any country whatsoever, and freely and lawfully depart from thence with the same, or other ships, goods, wares and merchandizes, to any other kingdoms, ports or places whatsoever, at their discretion, and carry on all manner of trade together according to the form, force and effect of the treaty of commerce dated the 24th of February, 1495, and of the following articles during this present provision, *Treaty of Peace and Commerce between the King of England and the Archduke of Austria, Duke of Burgundy, Brabant, &c. concluded at London, the 24th of February, 1495.*

THE 1st, 10th and 11th articles contain a general stipulation of a perpetual and universal peace and amity between the contracting princes, their dominions and subjects, as likewise of an unlimited and reciprocal freedom of intercourse, trade and passage, by sea and land, for all their subjects in their several dominions respectively, and as to all goods and merchandizes: and are the same in substance and effect with the 10th article of the treaty of 1630, and the 2d article of the treaty of 1520, above recited.

XIV. That the fishers of both parties (of what condition soever they be) may freely go and sail every where by sea, and safely fish without any impediment, licence or passport; and if it shall happen that any of the fishers of one party, either by accident, storm, enemies, or otherwise, be forced to enter into any port or district of the other party, they shall be peaceably and amply received, and treated there (paying all just duties and customs) and may freely depart and return from such ports and places, with their ships and goods, without any hindrance or obstruction whatsoever: provided

however that such fishers are not guilty of any cheat or fraud, or that they do not occasion damage to others.

XV. That no pirates or others, making war by sea without the authority of their princes, shall be received into any of the ports or shores of the foresaid princes, or of either of them, whether they belong to either of the foresaid princes, or to any other nation, nor shall they or any of them be assisted in any of the kingdoms, countries, dominions, or lands of the foresaid princes, with money, arms, warlike instruments, victuals, or any other thing whatever, in any manner; nor shall they be favoured upon any pretence whatsoever, on pain of restitution and full satisfaction for all damages, expences and injuries done or to be done by such pirates and violent robbers, to be made to the foresaid subjects, or to any one of them, as well by the pirates themselves, if taken and able to pay, as by their harbourers, favourers and assistants.

XX. That the seamen, masters of ships and mariners, subjects of the foresaid princes, may freely moor and lay up their ships, whether laden or unladen, or ships of war, which shall enter into any port of either of the foresaid princes, in the same manner as their own native subjects may do, provided they have not ways acted or behaved as pirates.

*A Treaty of Commerce between Charles II. King of England, and the United Provinces of the Low Countries, concluded at the Hague, Feb. 17, 1668.*

SEEING that, by the grace of God, and for their mutual good, as well as for the benefit of Christendom, and the necessity of the times, a defensive alliance has been concluded and signed on the 23d day of January last, between the most serene and most potent Prince Charles II. King of Great-Britain, and the high and mighty Lords the States General of the United Provinces, by which they were to grant strong succours to one another by sea and land; and that by another instrument on the same day, the said King and States General covenanted and entered into an agreement about securing

securing the peace and tranquillity of Christendom; and that there seems nothing more to remain, that can at any time interrupt the union and friendship that has so readily on both sides been made and restored between them, unless some disputes may perhaps arise about traffick and merchants goods carried from one place to another, which may also be promoted more out of an uncertain and doubtful judgment made of the same on either side. The said King, and the said States, being desirous to cultivate the friendship newly contracted between them, not only for the present, but future also, and so not only to pluck up all seeds of dissension and altercation, but even quite to cut off all manner of hopes and expectations of whatever may tend to the weakening or dissolving the said friendship by new strifes; both parties have agreed on the following articles, which shall mutually and constantly be observed as a rule to guide them in maritime affairs and traffick, or until such time, as by the common consent of both sides, commissioners shall be appointed to settle and agree upon a fuller treaty concerning all these things and the laws of navigation, as by farther experience may be found of most use and advantage to both parties.

I. It is free and lawful for all the subjects and inhabitants of Great-Britain, with all manner of freedom and security, to sail to and traffick in all the kingdoms, dominions and states, between which and the kingdom of Great-Britain there is peace, friendship or neutrality, or shall be for the future; neither shall they be disturbed or interrupted in the said liberty, by men of war, galleys, flyboats, or other ships of the States General, or their subjects; if it should so happen, that a war should break out between the said States on the one part, and the said kingdoms, dominions and states on the other, which are in alliance with Great-Britain, or cultivate friendship, and observe a neutrality with it.

II. This freedom of navigation and commerce shall extend to all kinds of merchandize, except shole only which are called contraband.

III. In that number are only comprehended all manner of arms, and what belongs to them, as machines



or cannon, mortars, petards, bombs, granadoes, stink-pots, muskets, belts, powder, ropes, salt-petre, spears, swords, galls, helmets, bridles, battle-axes, lances, horses, horse-accountrements, horse-carabines, and their appurtenances, saddles, and other instruments, which receive their make from, or may be used in war, called in French, *Assortiments servans a l'usage de la guerre.*

IV. Corn, wheat, and other grain and pulse, oil, wine, salt and provision in general, or any thing appertaining to the sustenance and support of life, are not included among prohibited merchandize; but they, as well as all other merchandizes whatsoever, which are not enumerated in the preceding article, shall be wholly free, and the people at liberty to carry any sorts of them to those places that are at enmity with the States, except only such towns and places as are besieged, blocked up, or invested.

V. To the end that the things aforesaid may be justly and regularly observed, it is covenanted and agreed, that those English ships or vessels, that shall enter laden into any of the ports of the States, with an intention to sail from thence to such places as are at war with them, shall only be obliged to produce their passports to the officers of the States in that port, which contain an inventory of the goods and merchandizes on board the said ships, attested under the common seal of the officers of the Custom-House or Admiralty of that place from whence they set sail, with a specification of the place whither bound, and that in the ordinary and common form; all those ships, after the producing of their passports, shall not be molested, detained or hindered from pursuing their intended voyage, under any pretence whatsoever.

VI. In like manner those English ships and vessels, that ride in the bays, or like places, appertaining to the dominions of the said States, which yet have neither any intention to enter into port, or when entered to unlade their cargo, shall not be bound to give an account of the cargo aboard, unless they are suspected of a design to carry contraband goods to the enemies of the States as aforesaid.

But

VII. But in case of a lawful suspicion, the subjects of the King of Great Britain are bound to produce their passports in the ports, according to the form already prescribed.

VIII. But if they draw near to the sea-coasts, or meet in the open sea with the ships of the States or their subjects, those who have fitted out those ships at their own private charge, and yet have publick passport, that they may avoid all inconveniencies, the ships of the States or their subjects shall not come within gunshot of the English, but send out a boat, and be at liberty with two or three men only to enter the English ships on vessels, to whom the captain or master shall produce his passports as aforesaid, as also testimonials from the Admiralty about the propriety of the ships, according to the form annext hereunto; that so not only the burthen may be known, but also the habitation of the captain or master, as also the name of the ship; that by these two ways it may be known whether they carry any prohibited goods to the enemy, as also the condition of the ship, and of the captain or master may plainly appear: And all manner of credit is to be given to their passports and testimonials. But that they may be more sure of the truth of them, there shall be certain royal marks and signs to them to clear them of any suspicion of falsehood.

IX. But if any prohibited or contraband goods shall be found, in the manner aforesaid, in English ships or vessels, that are bound to the ports of the enemies of the States, they shall be taken out of the said ships, and judgment shall be given against them by and before the judges of the Admiralty or others, to whom the matter is cognizable; but yet neither the ship nor vessel nor any of the merchandize that is not prohibited or contraband, and found in the ship, shall be condemned or forfeited.

X. Moreover it is agreed, that what is found to be contraband by the subjects of the King of Great Britain, in a ship belonging to the enemies of the States, tho' it be not of the number of contraband goods, it shall be seized and condemned, together with the rest of the

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merchandise on board the said ships, without any exception. But on the other hand, whatever is found on board the ships of the subjects of the King of Great Britain, tho' the lading, or part thereof, belongs to the enemies of the States, shall be free and unmolested except there be prohibited goods, which are to be seized in the manner prescribed in the foregoing paragraphs.

Art. XI. The subjects and inhabitants of the United Provinces shall reciprocally enjoy the same rights, liberties and immunities in point of navigation and trade, on the coasts, ports and roads in the sea and dominions of the King of Great Britain, as the subjects of the said Kingdom enjoy as aforesaid, to enjoy in those under the dominion of the States, as also on the high seas for a mutual and reciprocal equality is to be understood, it being nothing new in that case wherein the States shall hereafter cultivate peace and friendship, or observe a neutrality with the Kings, Princes and States which shall wage war against the King of Great Britain; so that both parties shall sincerely enjoy the same conditions and limitations, as are contained in these articles, and have a reference to trade.

Art. XII. And that the safety of the States General shall be sufficiently provided for, so that no injury or violence be offered to them by the men of war or other ships belonging to the said King of Great Britain, or his subjects, the commanders of the men of war, and the officers or masters of other ships that shall be sent out at other people's charge, shall be enjoined to offer no injury, or do any damage to the subjects of the States General; and if they do otherwise, they shall not only be punished, but be answerable for all the loss and make satisfaction for the same by way of reparation and restitution, under the obligation of body and goods.

Art. XIII. For this reason the commanders or captains and such as fit out privateers, shall be obliged for the future, before they put to sea, to give sufficient security before proper judges, to the value of 100000 livres, or 1000000 livres, that so the damages and injuries which perhaps may be done by them, while out at sea,



may be fully repaired; and that those things which are committed by the commanders, and their or their order thereby against this treaty, the laws and King's proclamations, which shall be published according to the force and vigour, and pursuant to the disposition of this treaty, shall be under the penalty of losing their commissions; and the leave they was given for such privateering.

Item. But if a commander of any English ship shall take a vessel laden with the said prohibited goods, he shall not be allowed to open the chests, casks, bags and vessels, or sell, barter, or any way make away with them, before they are first opened ashore, in the presence of the proper officers for prizes; and that they may make an inventory of the goods taken in the said ship, unless the prohibited merchandize makes only but part of the lading, the said goods are presently to be unladen and taken up, that he may have the less hindrance in his intended voyage; besides which no other trouble is to be given him, nor let in his voyage.

Item. The King of Great Britain being desirous to show the same favour to the subjects of the State General, in all the parts of his dominions, and by his own subjects, with like care that rights shall be done pursuant to the rules of justice and equity, in respect to all prizes that are or shall be taken at sea by his suspected judges; and by which shall be no way interrupted in the course before the do; and that the sentence of the court already, or shall hereafter be pronounced, shall be justly and religiously executed, and have their due effect, as the ends of them does require.

Item. Whenever the Ambassadors of the States, or their other ministers, appointed by public authority, residing at the court of the King of Great Britain, shall complain of the injustice of the sentences which have been given, the King shall command the said to be removed and examined again before his council, that they may see whether the rules and articles, in this treaty have been observed by them, and what matter be rectified according to justice, and equity, and that within the space of three months, or such time as shall

time the controverted goods shall neither before nor after the sentence given, during the review of the cause, be sold nor disposed of, unless it be with the consent of the parties interested therein, except the goods decay perhaps by keeping them, or that some other damage happen to them.

XVII. When a suit is commenced in the first or second instance, between those who have privateered at sea on the one part, and between those who are interested therein, and oppose the confiscation of the goods on the other, and that it should happen that these last shall get the better, and obtain judgment in their favour; the sentence upon giving security shall be put in execution, though the other appeal to a higher court, but not against the opponents, if the sentence should be pronounced. Moreover, this and all that is agreed on by the preceding articles, about doing justice sincerely, and without any shifting and delays, to the subjects of the States General, when their ships or goods shall be taken by the subjects of the King of Great Britain at sea, shall in like manner be observed by the States General in respect to the suits of the subjects of his Majesty, whose ships and merchandizes shall be taken at sea by the subjects and inhabitants of the United Provinces.

XVIII. But seeing the conveniences and inconveniences of all pacts and conventions cannot be thoroughly discerned, but in process of time, and by mutual experience and discoveries, it is therefore agreed between the said King of Great Britain, and the said Lords the States of the United Provinces, that at what time soever both parties shall think fit, by common consent, commissioners shall be delegated and appointed, whose business and care it shall be to supply whatever defects shall be found in the aforesaid articles, and also to alter and limit whatever shall be thought incongruous and inconvenient to both parties, and justify to settle and conclude a fuller treaty concerning all these things, and the rules of navigation.

XIX. These articles, and all and every thing contained therein, shall be confirmed and satisfied by the said

aid King of Great Britain, and the said Lords the States General of the United Provinces, under the Great Seal of both parties, in due and authentic form, within the space of four weeks, or sooner if possible, and the instruments of ratification shall likewise be exchanged within that time.

The form of the passport is the same as that which follows the treaty made in 1674.

*Treaty of Amity, Commerce and Navigation, between Great Britain and Russia, concluded at Petersbourg, December 2, 1734.*

I. The peace, friendship, and good correspondence which happily subsist between their Russian and British Majesties, shall be confirmed and established by this treaty, so as from henceforwards there shall be between the Crown of all the Russias on one side, and the Crown of Great Britain on the other, as likewise between the states, countries, realms, dominions and territories which are under their obedience, a true, firm, and perfect peace, friendship, and good understanding, which shall endure and be inviolably maintained for ever, as well by sea as by land, and on all fresh waters; and the people, subjects and inhabitants on both sides, of whatsoever condition or degree, shall behave with entire good will towards each other, and give each other all possible aid and assistance, without doing or offering the least wrong or damage whatsoever.

II. There shall be an entire freedom of navigation and commerce throughout all the dominions of the two contracting parties in Europe, where navigation and commerce are at this time permitted, or shall be permitted hereafter by the contracting parties to the subjects of any other nation.

III. The subjects of both contracting parties may enter at all times into all the ports, places or towns of either of the contracting parties, with their ships, vessels and carriages, laden or unladen, into which the subjects of any other nation are permitted to enter, to trade or abide there, and the mariners, passengers and



vessels, whether Russian or English, even though there should be any other strange nation among the crew, shall be received and treated in like manner as the most favoured nation, and the mariners and passengers shall not be forced to enter into the service of either of the contracting parties, which may have occasion for their service, and the subjects of both contracting parties may buy all kind of necessaries, which they shall stand in need of, at the current price, and repair and refit their ships, vessels or carriages, and furnish themselves with all manner of provisions for their subsistence and voyage, abide and depart at their pleasure, without molestation or impediment, provided they conform themselves to the laws and ordinances of the respective states of the said contracting powers, where they shall so arrive or continue.

IV. The subjects of Great Britain may bring by sea or by land, into all or any of the dominions of Russia, wherein the subjects of any other nation are permitted to trade, all sorts of goods and merchandizes, whereof the importation and traffick are not prohibited; and in like manner the subjects of Russia may bring into all or any of the dominions of Great Britain, wherein the subjects of any other nation are allowed to traffick, all sorts of merchandizes of the produce or manufacture of the dominions of Russia, whereof the importation and traffick are not prohibited; and likewise all merchandizes of the produce and manufacture of Asia; provided that it is not actually prohibited by any law now in force in Great Britain; and they may buy and export out of the dominions of Great Britain all manner of goods and merchandizes, which the subjects of any other nation may buy therein and export from thence; and particularly gold and silver, wrought or unwrought, excepting the silver coined money of Great Britain.

IX. It shall be permitted to the subjects of both contracting parties reciprocally, in all accustomed places of export, to load on board their own ships, vessels or carriages, or any others, all merchandizes bought by them, excepting only such as are prohibited to be ex-  
ported;

ported and freely to send or carry away the same: provided they have paid the duties, and such ships, vessels or carriages have been cleared according to law.

XI. The subjects of either party may freely pass, repass, and trade in all countries which now are, or hereafter shall be at enmity with the other of the said parties places actually blocked up or besieged, only excepted: provided they do not carry any warlike stores or ammunition to the enemy: as for all other effects, their ships, passengers, and goods shall be free and unmolested.

XII. Cannons, mortars, fire-arms, pistols, bombs, grenades, bullets, balls, fuzes, flints, matches, powder, saltpetre, sulphur, cuirasses, pikes, swords, belts, pouches, cartridge boxes, saddles and bridles, in any quantity, beyond what may be necessary for the ship's provision, and may properly appertain to and be judged necessary for every man of the ship's crew, or for each passenger, shall be deemed ammunition of war, and if any such be there found, they may seize and confiscate the same according to law: but neither the vessels, passengers or the rest of the goods shall be detained for that reason, nor hindered from pursuing their voyage.

XIII. In case of a rupture between the contracting parties (which God forbid) the persons, effects or subjects of either party shall not be detained or confiscated, but there shall be the space of one year at least allowed them, wherein they may sell, dispose, carry off, or send away their effects and transport their persons.

XIV. The merchants, mariners, vessels or effects of either party, shall not be arrested or forced into service without their own consent, under any pretence whatsoever: and if any domestic servant or mariner desert his service or vessel, he shall be delivered up: but nothing contained in this article is to be so understood, as to tend to the hindrance or obstruction of the ordinary course of justice on either side.

The subjects of both parties shall be respected and treated in their respective dominions in like manner as the most favoured nation, and the subjects of Russia which shall come into England in order to learn arts and

and commerce there, shall be protected, favoured and instructed: likewise if any Russian vessels shall be met with out at sea by any English vessels, they shall in no wise be hindered or molested by them, provided they comport themselves in the British seas in the accustomed manner; but on the contrary, they shall be favoured by them, and have all possible assistance given them, and that in the very ports or havens belonging to the dominions of Great Britain.

**XXIII.** Peace, amity, and good understanding shall continue forever between the contracting parties; and as it is usual to limit treaties of commerce for a certain space of time, it is agreed between the contracting parties, that this shall continue for the space of fifteen years, to be computed from the day of signing this present treaty; and that before the expiration of the said term, they shall come to a further mutual agreement for renewing and prolonging the same.

*Treaty of Peace, Amity and Commerce between Great Britain and Russia; concluded at Westminster, June 19th 1753.*

**Art. I.** This alliance shall remain sincere, firm and perfectly, and be forever inviolably observed and kept between the King of Great Britain and the Emperor, and Great Duke of Russia, and their heirs and successors, crowns, kingdoms and people, and their subjects and people, as well as the renowned Princes themselves, shall love like brethren, and be as one nation, wishing the good honour and reputation one of another both by word and deed.

**Art. II.** Neither of the said Princes shall aid or assist any enemy of the other, either present or future, with ships of war, ammunition, victuals, or other materials, or provisions for war, nor suffer any soldiers or other persons to pass through his kingdoms or dominions against the other confederate; but on the contrary shall endeavour to divert and defeat any attempt or purpose of such enemies, and avoid and oppose all hurtful practices against the said confederate.

**Art. III.** The said Princes shall not only avoid and oppose all hurtful practices against the said confederate, but shall also



X. All such privileges and grants for freedom of trade and commerce, as by treaties have been given and granted to the English merchants by his Majesty of Russia and his noble progenitors, shall remain and stand in their full force and strength; and by virtue of this alliance, the subjects of both princes may freely and peaceably, without any hindrance or molestation, both by land and sea, and within the fresh water rivers of each other's countries, use all kind of traffick and merchandize whatsoever; and may buy up and freely export all manner of jewels, precious stones, and all other things fitting for the treasury of the said Princes, with the same freedom and liberty, as if they were natives; provided that this freedom of trade and commerce be understood, with regard to the subjects of Great Britain, to extend to all such merchants only, and none other, as are allowed to trade in the dominions of Russia by the licence of the King of Great Britain, and according to the gracious letters and privileges granted to the English merchants by his Majesty of all Russia, and by the Holy Patriarch of Moscow and of all Russia, on which shall be hereafter granted or enlarged to them; and with regard to the subjects of Russia, to all such merchants and none other, as shall be allowed to trade into the dominions of Great Britain by the licence of his Majesty of all Russia, and according to the gracious privileges and grants of both their renowned Majesties.

XVI. The Ambassadors, messengers, or posts of both the said Princes, which shall be sent unto the country of either upon any princely affairs, shall freely pass without lett or interruption, together with their people, and all goods whatsoever, according to the genuine sense of this treaty.

XVII. If either of the said Princes shall have occasion to send their Ambassadors, messengers or posts through the countries and dominions of the other unto and from Germany, Spain, France, Denmark, Sweden, land, and Netherland, or unto and from Persia, Turkey, and other parts of the east, notwithstanding open hostility with either of their Majesties, yet if they shall happen by any casualty, by land or by water, either in their going

or.

or returning, to receive any damage in either of their countries; they shall be suffered freely and peaceably to pass without all their goods and people whatsoever, to such place as their Prince's pass shall direct them, and with most contrivance shall be safely conducted, both by land and water through either of their dominions, without the least forcible detaining or hindrance whatsoever.

*Treaty of Alliance and Commerce between Great Britain and Sweden, concluded at Whitehall, October 21st, 1661.*

I. That there be and continue from hence forwards, a good, true, firm, and perpetual peace, friendship, good will, and correspondence between the Kings of Great Britain and Sweden, and all and singular their kingdoms, countries, dominions, provinces, lands, islands, colonies, cities, towns, people, citizens, and all their subjects and inhabitants whatsoever, so as both parties shall behave towards each other with true amity and affection.

II. The said confederates, and their dominions, subjects, people and inhabitants, shall take care of and promote each other's advantage, and shall not certify one another of any dangers threatened, and conspiracies and machinations formed by the enemies of either, and shall oppose and hinder them, as far as lies in their power; nor shall it be lawful for either of the confederates, by himself, or by any other persons whomsoever, to negotiate or attempt anything to the hurt or disadvantage of the other's lands or dominions whatsoever, any where, either by land or sea; nor shall he by any means protect any enemies or rebels, to the prejudice of the other confederate, nor receive nor admit into his dominions any rebel or traitor, who shall make any attempt against the estate of the other; much less shall he afford them any advice, aid or countenance, or suffer any advice, assistance or favour to be given them by his subjects, people and inhabitants.

III. The said Kings and kingdoms shall, with all care and diligence, take all possible care, that the impediments which have hitherto interrupted the freedom of navigation and commerce, not only between both nations,

nations, but also with other people and nations through the dominions, countries, seas and rivers of both confederates, be removed, and they shall sincerely endeavour to assert, establish, defend and promote the aforesaid freedom of navigation and commerce on both sides, against all disturbers thereof, by the methods agreed on in this treaty, or by such as may hereafter be agreed on, and shall not suffer any thing to be done or committed contrary to this treaty, either by themselves, or by their subjects and people.

IV. It shall be free for either of the said confederates, and their inhabitants and subjects, to enter by land or sea, into the kingdoms, countries, provinces, territories, islands, cities, villages, towns walled or unwalled, fortified or unfortified, harbours, dominions or jurisdictions whatsoever of the other, freely and securely, without any licence or safe conduct, general or special, and there to pass and repass, to reside, to trade, or to travel through the same, and in the mean time to buy provisions and all necessaries, and they shall be treated with all manner of civility: It shall be lawful also for both the confederates and their subjects, citizens and inhabitants, to trade, traffic, and carry on commerce in all places where commerce has been at any time before used, and in whatsoever goods and merchandize they please, provided they are not contraband; and they shall have liberty to import and export the same at discretion, the due customs being always paid; and the laws and ordinances of both kingdoms, whether relating to merchandize, or to any other right, always observed, which things being pre-supposed, the people, subjects and inhabitants of one confederate shall have and hold in the countries, lands, dominions and kingdoms of the other, such full and ample privileges, exemptions, liberties and immunities, as any foreigner whatsoever hath or shall enjoy in the said dominions and kingdoms on both sides.

V. Neither the merchants, captains of ships, masters, mariners, or other persons whatsoever, nor the ships, goods or merchandize of either of the confederates, or of his subjects or inhabitants, shall in any public or private



of the respective countries, dominions and kingdoms, by virtue of any general or special edicts, or by any other means, in any of the countries, harbours, roads, shores or dominions, whatsoever of the other confederate for the public use, military expeditions, or for any other cause, much less for the private use of any one, nor be compelled by any manner of violence, or be in any way molested or hindered: provided only that such arrests are agreeable to law and equity be not prohibited, if they are made according to the ordinary forms of law, and not for the sake of gratifying any one's private will, and are indispensably necessary for the administration of right and justice.

VI. But if one or more ships of either of the confederates, whether ships of war or private merchant ships, shall be drove by storms, pirates, enemies, or other urgent necessity, into the ports, havens, or upon any of the coasts of the other confederate, they shall be received courteously, and with all civility and friendly protection, without being in any respect hindered from the means of repairing, or from purchasing whatever they want for their provision, repairs and convenience, at the market price: nor shall they on any account be prohibited to depart in like manner from such port and haven when they please, without paying any duties or customs, so long as nothing be done or committed contrary to the statutes and ordinances of that place, which such ships shall be bound to abide at.

VII. For the like reason, if any one or more ships, public or private, of either of the confederates, or of their subjects or inhabitants, run ashore, are cast away, on shore shipwreck, or any other damage, the sufferers shall be kindly and amably protected, and have such assistance in consideration of a due premium, that all remains of such wreck or other loss may be preserved, and restored to the owners and proprietors; provided they, their attorneys or procurators, lay claim to such ship and goods, within twelve months after the wreck happened; saving always the laws and customs of both nations.

IX. It shall be lawful for the said confederates, and the people and subjects of both, to buy and export

of the respective countries, dominions and kingdoms of either, in any manner of arms and military equipage, and safely and freely to carry their ships to any ports, havens and shores of either, there to stay, and thence to depart, provided they behave modestly peaceably, and agreeably to the laws and customs of each place, and do not in any respect hinder the freedom of commerce in like manner. Ships of war and guardships shall have free access to the ports, havens, or rivers of the other confederate, and it shall be free for them to call anchor, and abide there, and to depart from thence without any injury or molestation, provided the following conditions are observed:

1. That the number of ships shall not exceed the number of ships of the ships, which shall be allowed to come into the port of the other confederate without any previous notice.

2. That the commander of such Squadron and ships shall, without delay, exhibit his letters of safe conduct to the Governor or Magistrate of the castle, fort, city or province, where he shall so arrive, and give notice of the reasons of his coming, and for what end, and how long he designs to stay in that port or haven.

3. That such ships shall not approach or abide nearer to the fort or castle than is convenient.

4. That the mariners, ships companies and soldiers, shall not go ashore in bodies above forty at a time, nor in any number that may give suspicion, and while they are there, they shall not do any damage to any person, nor even to their enemies, and shall not stop or obstruct the passage of any merchant ship whatsoever, into or out of the harbour.

5. That they shall not go out from thence like as out of their own harbour, and return again, in order to hinder the navigation of any nation whatsoever.

6. That they shall in all respects live and behave modestly, and conformably to the laws and customs of each place, and have special regard to the reciprocal friendship between the confederates; but if either of the confederates shall think it advantageous or necessary to enter the ports of the other confederate with a greater number

number of ships, and to enjoy the conveniences thereof, he shall signify the same to his confederate two months before hand; during which time they shall agree upon proper regulations for admitting the same; but if the ships of either are drove into the ports of the other, for avoiding tempests or enemies; in such case, the reason of their coming shall be notified to the Governor or chief Magistrate of the place, and their abode must not be longer than the time allowed by the Governor or chief Magistrate; a regard being always had to the laws and conditions in this article before comprised.

X. It shall be lawful for any of the subjects and inhabitants of Sweden to travel in England, and all the dominions thereof, and to pass through the same by land or sea at pleasure, to any other nations whatsoever, and to renew commerce with them, and freely to traffic in all kinds of merchandize, and the same to carry thither and export from thence; and the subjects of the King of Great-Britain shall enjoy the same liberties in the kingdoms, dominions, and territories of the King of Sweden; on condition that the laws, ordinances and peculiar rights of each nation, relating to commerce and merchandize, be observed on both sides.

XI. Although the foregoing articles of this treaty, and the laws of friendship do forbid, that either of the confederates shall furnish any aid or supplies to the enemies of the other; yet it is by no means to be understood that either confederate, with his subjects and inhabitants, who is not a party in a war, shall be restrained the liberty of trade and navigation with the enemies of the other confederate, who is involved in such war; provided only, that no goods called contraband, and especially money, provisions, arms, bombs with their fuzes, and other appurtenances, fire-balls, gunpowder, matches, cannon ball, spears, swords, lances, pikes, halberds, guns, mortars, petards, grenades, musket rests, bandoliers, saltpetre, muskets, musket bullets, helmets, head-pieces, breast-plates, coats of mails, commonly called cuirasses, and the like kind of arms; soldiers, horses with the furniture, nor pistols, belts, or any other instruments of war; nor ships of war and guard.



guardships, be carried to the enemies of the other confederate, on the penalty of being made prize without hopes of redemption, if they are seized by the other confederate; nor shall either confederate permit that the rebels or enemies of the other be assisted by any of his subjects, or that any ships be sold or lent to, or in any manner made use of by the enemies or rebels of the other, to his disadvantage or detriment: but it shall be lawful for either of the confederates, and his people or subjects, to trade with the enemies of the other, and to carry them any merchandize whatsoever, not above excepted, without any impediment; provided they are not carried to those ports or places which are besieged by the other; in which case they shall have free leave either to sell their goods to the besiegers, or to repair with them to any other port which is not besieged.

XII. But lest such freedom of navigation and passage of the one confederate might be of detriment to the other, while engaged in war, by sea or land, with other nations, by concealing and conveying the goods and merchandizes of the enemies of the confederate so engaged in war, under the name of a friend and ally; for the avoiding of all suspicion and fraud of such sort, it is agreed, that all ships, carriages, wares and men belonging to the other confederate, shall be furnished in their journeys and voyages with safe conducts, commonly called passports and certificates, such as are underwritten verbatim, signed and subscribed by the chief Magistrate of that province and city, or by the chief Commissioners of the customs and duties, and specifying the true names of the ships, carriages, goods, and masters of the vessels, as also the exact dates, without any fraud or collusion, together with such other descriptions of that sort, as are expressed in the following form of a safe conduct and certificate. Wherefore, if any person shall affirm upon the oath, by which he is bound to his King, State, or City, that he has given in true accounts, and be afterwards convicted, on sufficient proof, of any wilful fraud therein, he shall be severely punished, and incur the penalties of perjury.

English

English form of the passport  
 We N. N. Governor or chief Magistrate, or the  
 Commissioners of the duties and customs of the city or  
 province of N. (the title or office of the respective go-  
 vernment of that place being added) do make known  
 and certify that on the \_\_\_\_\_ of the month of \_\_\_\_\_  
 in the year of \_\_\_\_\_ N. N. N. citizens and inhabitants  
 of N. and subjects of his Sacred Royal Majesty of Swe-  
 den, personally appeared before us in the city or town  
 of \_\_\_\_\_ in the dominions of his Sacred Royal Majesty of  
 Sweden, and declared to us upon the oath, by which  
 they are bound to our Most Gracious Sovereign, his  
 Sacred Royal Majesty of Sweden, and to our city, that  
 the ship or vessel called N. of about \_\_\_\_\_ lasts or tons,  
 belongs to the port, city or town of N. in the dominions  
 of N. and that the said ship does rightfully belong to  
 him or other subjects of his Sacred Royal Majesty of  
 Sweden, that she is bound directly from the port of  
 N. to the port of N. laden with the following merchan-  
 dize, \_\_\_\_\_ there shall be specified the goods, with their  
 quantity and quality, for example, about so many chests  
 or bales, about so many hogheads, &c. according to  
 the quantity and condition of the goods, and likewise  
 affirmed on the oath aforesaid, that so much only of the  
 said goods and merchandize belong to the subjects of  
 his Sacred Royal Majesty of Sweden, or so much of  
 such goods belong to M<sup>r</sup> N. N. [specifying what nation  
 the proprietors are of] and that they declared upon  
 their said oath, that the said goods above specified and  
 so others, are upon board, or are so, by put on board  
 the above named ship for the said voyage, and that no  
 part of those goods belong to any other person whatso-  
 ever but those above mentioned, and that no goods are  
 concealed therein under any fictitious name  
 whatsoever, but that the wares above mentioned are  
 truly and really put on board for the use of the said  
 owners, and no others, and that the Captain of the said  
 ship named N. is a citizen of the city of N. there-  
 fore since most fully appears to us [the Governor or  
 chief Magistrate or Commissioners of the duties and  
 customs of the city aforesaid] after strict examination,  
 that

that the said ship or vessel and the goods on board the same are free, and do truly and really belong to the subjects of his Sacred Royal Majesty of Sweden, or to the inhabitants of other nations as aforesaid, we do most humbly and earnestly require of all and singular powers by land and sea, Kings, Princes, republics, and free cities, also of all Generals, Admirals, Commanders, Officers and Governors of ports, and all others guarding any harbour or sea, which may happen to meet this ship in her voyage, or if the chance to fall in among or pass through their squadrons, or to stay in their harbours, that for the sake of the alliance and friendship which subsist respectively between them, or their Superiors and his Sacred Royal Majesty our Most Gracious Sovereign the King of Sweden, they will not only permit the said Captain with the said ship and the men, goods and merchandizes belonging to the same to prosecute his voyage freely, without let or molestation, but also to permit him to depart out of the said harbour elsewhere, that they will give all kind offices to him and his ship, as if subject of his Sacred Royal Majesty of Sweden, as they shall in like manner experience the same from his Sacred Royal Majesty of Sweden, and from all his Ministers and subjects in the like or any other case. In witness whereof we have taken care that the said prelates signed by our own hands be sealed with the Seal of our said Majesty Given, &c. at quito about the year 1657 when the goods, ships, or men of either confederate, or his subjects and inhabitants shall meet in the open sea, or in any ports, havens, countries or places whatsoever with any ships of war or privateers, or any subjects and inhabitants of the other confederate, after producing their letters of safe conduct and certificates aforesaid, nothing further shall be demanded of them, nor any enquiry whatsoever made with respect to the goods, ships or men, much less shall they be injured, damaged or molested, but they shall be suffered freely to prosecute their voyage and purpose. But in case that the said solemn and stated form of a certificate be not produced, or there be any other just and strong cause of suspicion, why a ship ought to be searched, which



which shall only be deemed justifiable in such case, and not otherwise; if the goods of an enemy are then found in such ship of the confederate, that part only which belongs to the enemy shall be made prize, and what belongs to the confederate shall be immediately restored; the same rule shall likewise be observed, if the goods of the other confederate are found on board a ship of an enemy: if any thing be done by either party contrary to the genuine sense of this article, both confederates shall take care, that the severest punishments, due for the most heinous crimes, be inflicted on such of their subjects and inhabitants, as shall offend herein, for their contempt and transgression of the Royal commands; and that full and immediate satisfaction be made to the injured party for all damage and expences (of which the most summary proof shall be admitted) by the other confederate, or his subjects and inhabitants, without any intricate niceties of the law.

XIII. Neither of the confederates shall suffer the ships, vessels, goods, or merchandize of the other, nor of his people and subjects taken at sea or elsewhere by enemies or rebels to be brought into his ports or dominions, but shall publicly forbid any thing of that kind to be done; and of any ships, vessels, goods or merchandize of either, or of his people or subjects, taken at sea, or elsewhere, shall be carried into the ports or countries of the other by the enemy or rebel of the confederate, or of either of them, such confederate shall not suffer the same, nor any part thereof to be sold in that port, or any other place in his dominion; but shall take care that the master of the ship or vessel so taken, as also the mariners and passengers, shall, as soon as they arrive, be immediately set at liberty, together with as many of the prisoners, being subjects of either kingdom, as shall be brought thither; nor shall he permit the said ship or vessel to stay in that harbour, but shall oblige her, with her goods, merchandize and lading, immediately to leave the port, provided nevertheless, that nothing in this article be prejudicial to the alliance formerly entered into by either of the confederates with other nations; but when they

do not interfere, the above article shall remain in full force.

XIV. If it shall happen hereafter, while this friendship and alliance subsists, that any of the people and subjects of either of the confederates shall do, or endeavour to do any thing contrary to this treaty, or any part thereof, by land, sea, or in any waters, the friendship, treaty, and alliance between the said confederates shall not on that account be interrupted or dissolved; but shall nevertheless continue, and remain entire, and those particular persons only shall suffer punishment, who shall violate this treaty, and they who shall receive any injury, shall have right and justice done, and satisfaction made to them for all their loss and injury sustained within twelve months after the demand of such restitution: but in case such delinquents and persons guilty of such violation, shall refuse to appear and submit to justice, or to make satisfaction within the term aforesaid, whether they are, they shall be pronounced as enemies of both states, and their substance, goods, and possessions, what and how great soever, shall be confiscated and sold towards making of full and just satisfaction for the injuries by them committed, and the offenders themselves, when they come into the jurisdiction of either state, shall moreover suffer condign punishment according to the nature of the crime.

XV. The present treaty and confederacy shall derogate nothing from any pre-eminence, right and dominion whatsoever of either of the confederates, in any of their seas, streights, and waters whatsoever, but they shall have and hold the same in as ample manner as they have hitherto enjoyed them, and as to them of right appertain.

XVI. Whereas it is the principal end of this treaty, that such a freedom of navigation and commerce, as is stipulated by the foregoing articles, may be maintained on both sides, on both the confederates, their subjects and inhabitants, in the Baltic, the Sound, the Northern, Western, Bosphorus, and Mediterranean Seas, and other channels, and in all the other seas, the

it is agreed, that both sides shall sincerely con-  
tribute their joint advice, aid and assistance, that the  
said mutual freedom of navigation and commerce may  
be established and promoted in all the said seas and  
streights, and (if there be occasion) that it be defended  
against all disturbers who shall offer to interrupt,  
prohibit, hinder or constrain it for their own pleasure,  
and to the detriment of the confederates; and both Con-  
federates shall in the most courteous manner shew their  
good will and readiness for promoting the advantage,  
and removing any inconveniences of the other confe-  
derate: Having nevertheless those treaties heretofore en-  
tered into by both nations, with other kingdoms, re-  
publics and states, which shall subsist in full force; but  
hereafter, neither of the confederates shall by any means  
enter into any treaty, or make any compact with other  
foreign nations or people whatsoever, to the prejudice  
of the present treaty in any respect, without the pre-  
vious knowledge and consent of the other confederate;  
and if any thing be otherwise stipulated hereafter with  
any other, it shall be reckoned null and void, and shall  
entirely give place to what is mutually agreed to by this  
present treaty.

*Treaty between Great Britain and Sweden; concluded  
at London in the Year 1656, whereby the Treaty of  
Uppsal of 1654, is confirmed and explained.*

The 2d, 3d, 4th, 8th, and 6th articles of this treaty  
are comprehended in the 9th, 11th, 12th, and 13th  
articles of the above recited treaty of 1661.

X. It shall be free for the subjects of the King of Swe-  
den to fish and catch herrings and other fish through-  
out the seas and coasts belonging to the dominions  
Great Britain, so as they do not exceed the number  
of one thousand vessels employed in such fishery; nor  
shall they be any ways hindered or disturbed in such  
their fishing; nor shall any charges or duties be exacted  
from them on pretence or account of such their fishing  
by any public guard ships of Great Britain, or their pri-  
vateers acting under commission or letters of marque  
or by any fishing vessels on the northern coast of Br



tain; but on the contrary, they shall be treated in the most courteous and friendly manner, and even be permitted to dry their nets on the shores, and to furnish themselves with all necessary provisions at reasonable rates from the inhabitants.

*Treaty of Peace between Great-Britain and Sweden, concluded at Upsal, April the 5th, 1654.*

The 1<sup>st</sup>, 2<sup>d</sup>, 3<sup>d</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> articles of this treaty, are comprehended in, and are almost, verbatim the same with the following articles of the above recited treaty of 1660, viz. 1<sup>st</sup>, 2<sup>d</sup>, 3<sup>d</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, and 16<sup>th</sup> articles.

*Articles and Clauses of several Treaties made between Great-Britain and Sweden, concerning the Continuance, Re-confirmation, or Confirmation of former Treaties.*  
*Treaty of Alliance between Great-Britain and Sweden, concluded at Stockholm, January 21, 1720.*

This treaty refers to two former treaties made between the said two Crowns in the years 1700 and 1660, as its basis and foundation, and confirms the said two treaties, and amongst others, contains the following stipulations:

I. For a mutual friendship and good correspondence in all their dominions by sea and land.

XII. For a reciprocal and unlimited freedom of navigation and commerce in Europe.

XIII. For a reciprocal restraint as to harbouring the ships of an enemy of the other, or assisting or supplying such enemy in any respect.

XIV. For a salvo to the special regalities, rights and dominion of the Crown of Sweden in the Baltic, and of the Crown of Great Britain in the British seas.

XV. For a freedom of trade to either party with an enemy of the other ally, but with an exception as to contraband goods.

But by the 20<sup>th</sup> article, this treaty is to continue in force for the term of eighteen years, only, for that unless it has been continued or revised by a subsequent treaty, this treaty of 1720 is at present expired and determined.

*Treaty of Alliance between Great Britain and Sweden,*  
concluded at the Hague, January 3, 1700.

This treaty confirms all former treaties and alliances between the two Crowns for their several terms of duration, but by the 18th article it was to have continuance only for eighteen years, so that it is now expired with that of 1720.

*Treaty of Alliance and Commerce between Great Britain and Sweden,* concluded at Westminster, Sept. 30, 1674.

This treaty refers to a treaty of alliance and commerce made between the two Crowns on the 18 of March, 1664-5, to continue in force for ten years, with an article therein for the further continuance and prolongation of the same by a subsequent treaty, if the contracting powers should think fit; wherefore the said treaty of 1664-5, is by this treaty continued for the further term of two years from and after the expiration of the first term of ten years; but it does not appear that the said treaty has been further continued or revived by any subsequent treaty until it was confirmed by the treaty of 1720, which last being made for eighteen years only, and the said term since expired, both treaties must be determined together.

There is another treaty set forth in the books, entitled;  
*A Treaty of Commerce between Great Britain and Sweden;*  
made at Stockholm, February 16, 1666.

But this appears to be no more than an extract made *ex parte* by Charles II. King of Sweden, of several marine articles out of the two treaties of 1664-5, and 1666, between him and Great Britain, together with his edict for the due observance of the same by his own subjects.

*Provisional Treaty of Navigation and Commerce between Great Britain and Denmark;* concluded at Copenhagen, June 20, 1691.

VI. If any Danish vessels shall happen to meet with any English ships of war or privateers, either upon the coast, or in the open sea, in such case the 10th article of the

the marine treaty concluded at Nimeguen in 1679, between the crown of Sweden and the States General shall be observed between them, and they shall regulate themselves in all points agreeably thereto.

The 20th article of the marine treaty of 1679, between Sweden and the States General, referred to in the above recited treaty of 1691.

If any Swedish ships shall, either upon the coast or in the open sea, meet with any ships of war or privateers belonging to the States General, or their subjects, in such case the said ships of war shall, for the avoiding of all inconvenience, keep without cannon shot, and send their boat to such ship belonging to Swedish subjects and inhabitants, and board her with two or three men only, to whom the master or owner of such Swedish ship shall show his passport, as likewise his sea letters, the one to certify concerning the lading, and the other of the place of habitation in the Swedish dominions; as likewise the name of the master or owner, and also of the ship, whereby it may be known whether there be any contraband goods on board, and the quality of the lading, and of the master or owner may sufficiently appear, to which passports and sea letters, entire faith and credit shall be given.

*Treaty of Alliance and Commerce between Great Britain and Denmark, concluded at Westminster, November 10, 1669.*

I. There shall be from henceforward a true, sincere and perfect amity, peace and alliance between the Most Serene Kings, their heirs and successors, and likewise between their kingdoms, states, provinces, dominions, countries, islands, cities, subjects, vassals, of whatsoever condition, dignity or degree, by land and by sea, in rivers and fresh waters, and in all places as well within Europe as without, so that the one shall no ways hurt, injure or incommode the kingdoms, countries, provinces, and dominions, people or subjects of the other, nor as far as in them lies suffer them to be injured by any others; but they shall rather show true friendship and affection towards each other, and upon all occasions promote the welfare



welfare and utility of each other, and of their subjects mutually, as they would their own, and to the utmost of their power, by deed and by counsel, prevent and avert all injuries and wrongs whatever.

V. It shall be free for the subjects of both Kings to go to the kingdoms, provinces, maris, ports, and rivers of the other, with their merchandizes by land, and by sea, in time of peace, without any licence or passport, general or special, and there to abide and traffick, so as they pay the usual customs: saving always the sovereignty and right of both Kings in their own kingdoms, provinces, countries and territories respectively.

This stipulation for a general liberty of navigation and commerce is restrained by an exception in the next article, as to such Danish ports as had been prohibited by former treaties for English subjects to enter into or trade in; and as to the British colonies, which are prohibited to the Danish subjects, without special licence from the sovereigns of such ports and colonies respectively.

X. The subjects of both crowns, carrying on their trade by sea, and sailing near the coasts of either kingdom, shall not be obliged to enter into any port whatsoever out of their direct course, but shall be at liberty to pursue their intended voyage, without being any ways hindered or detained; and when forced into port by stress of weather, and there lying at anchor, they shall not be compelled to unlive, barter or sell their goods, but it shall be lawful for them to dispose of the same at their pleasure, and do whatever else they shall judge most conducive to their affairs; provided nothing be done whereby either prince may be defrauded or prejudiced in his rights and customs.

XVI. It shall be lawful for either confederate, his people or subjects, to carry on trade with the enemies of the other, and to carry and supply them with all manner of goods (contraband goods only excepted) without any molestation, unless it be in ports and places actually besieged by the other ally; in which they shall be at liberty either to dispose of their goods to the besiegers, or to convey them to some other port or place which is not besieged.

Commanders

XX. But least this liberty of navigation and passage for one ally, his subjects and inhabitants might during a war which the other may be engaged in by sea or land with any other state be of prejudice to such other ally; and the goods and merchandize belonging to the enemy be fraudulently concealed under the colourable pretence of their being in amity together; wherefore in order to prevent all frauds of that sort, and to remove all suspicion, it is thought proper, that the ships, merchandizes and ships crew belonging to the other ally, be furnished upon their voyages with passports and certificates according to the form and tenor following, viz.

*Form of the Danish Passport and Certificate.*  
*Christian the Fifth by the Grace of God, King of Denmark and Norway, &c.*

Be it known to all and singular persons who shall see these our letters of passport, that our subject and citizen of our city of *Copenhagen* *humbly represented to us, that the ship called the* *X* *of the port of* *\_\_\_\_\_* *of the burthen of* *\_\_\_\_\_* *tuns, doth appertain to him and certain other of our subjects, and that they are the sole proprietors of the same, and that the said ship is laden with certain goods, a particular whereof is contained in a cocket, which has been made out by the officers of our Customs, and is now on board the said ship; and that the same belongs to our subjects, or others having an interest therein, who are the subjects of neutral powers; and that she is ready to depart from the port of* *\_\_\_\_\_* *in order to proceed to some other place or places, where she may commodiously traffick with the said goods, which are not contraband, nor appertaining to either of the parties now engaged in war; or in order fairly to earn her freight, all which having been attested by our said subject by a writing duly signed by him, and affirmed by him to be true, upon pain of confiscation of the said goods, we have thought proper to grant him these our letters of passport; and therefore we desire and request all Governors of countries, and Commanders at sea, all Kings, Princes, States, and free towns, and particularly the parties now engaged in war, and their Commanders,*

Commanders, Admirals, Generals, officers, Governors of ports, commanders of ships, captains, owners, and all others having any command at sea or the guard of any port, whom the said ship shall happen to meet with, or to fall in with any of their fleets or ships at sea, or to arrive at any of their ports, that in virtue of the alliance which subsist between us and the King of Spain, they not only suffer the said master with the ship, men goods, and all merchandizes which are on board her, to pursue his voyage towards any place whatsoever with full liberty, without being any ways molested, hindered or detained, but that they likewise show him all kind offices of civility, as unto our subject, at any occasion should offer: which we and our subjects shall be ready to acknowledge on the like or any other occasion.

Given this day of in the Year  
We the President, Consuls, and Senators of the town of do attest and certify, that N. N. citizen and inhabitant of the city or town of on the day of in the year came and appeared personally before us, and declared to us by virtue of the oath by which he is bound to our Sovereign Lord the King, that the ship or vessel named of the port of of the burthen of tons, belongs to the port, city or town of in the province of and that the said ship does really and truly appertain to him, and is now ready to depart directly from the port of laden with the goods specified in the cocket which he hath received from the officers of the customs, and that he hath affirmed upon his said oath, that the above mentioned ship, together with the goods and merchandizes with which she is laden, belongs to his said Majesty's subjects only, and that she does not carry any prohibited goods appertaining to either of the parties now engaged in war.

In witness whereof we have caused the present certificate to be signed by the Syndick of our town, and have therunto put our seal. Given &c.

The original passport should be in Latin, as the Treaty was made originally in that language; but the form of the passport is no where published, with the Latin Treaty.

Whenever



10 Whenever therefore any merchandizes, goods, ships and men of either confederate, his subjects or inhabitants shall be met with in the open sea, freights, ports, roads, lands, or in any places whatsoever, by any public ships of war or privateers, or by the men, subjects or inhabitants of the other confederate, upon exhibiting the said letters of passport only, nothing further shall be required of them, nor shall any further search or inquiry be made in relation to the goods, ships or men; much less shall they be any ways injured or molested; but they shall be most freely dismissed, in order to pursue their intended course and voyage: but in case this solemn and stated form of the passport and certificate be not exhibited, or there appear other just and strong cause of suspicion, then such ship ought to be visited; which however is to be understood to be allowed of in such case only, and not otherwise: if any thing shall be done by either party against the other confederate, contrary to the true and genuine sense of this article, both confederates shall take care that their subjects and inhabitants respectively, who shall transgress therein, be severely punished, and that ample and immediate satisfaction be made to the other confederate, his subjects and inhabitants, for all losses, injuries and charges so sustained or incurred.

XXII. No vessels or ships, nor any goods or merchandize whatever, which shall be laden on board any ships of any sort, kind or quality whatsoever, howsoever taken, and belonging to any subjects of either king shall be adjudged as prize under any colour or pretence whatsoever, but upon judicial examination and legal proceeding in due form of law, in a court of Admiralty lawfully constituted for that purpose, in order to judge of such maritime captures.

XXIII. Captains of ships or their pilots, soldiers or mariners belonging to them, or the ships themselves and the goods and merchandizes with which they shall be laden, may not be detained by any seizure or arrest by virtue of any general or special order of any person, or for any cause, unless it be for the defence and preservation of the kingdoms; but this shall not be under-

Shall not intend such legal arrests as shall be made by the authority of the laws by reason of any contract with any other, or for other just cause, in which cases it shall be free to proceed in all things according to the due course of law and justice.

XXVIII. Any guard ships, or ships of war of either party, which shall happen to meet or come up with any merchant ships, or other ships whatsoever belonging to the other confederate or his subjects, either within Europe or without, holding the same course, shall be obliged to guard and protect them as long as they shall continue to hold the same course.

XXIX. For the greater security of commerce and freedom of navigation, it is agreed and concluded, that neither party, as far as may be and in them lies, shall suffer any public pirates, or such like robbers, to harbour in any of their ports, or to be sheltered or supplied with provisions by any of their subjects or inhabitants, or assisted in any way; but on the contrary, they shall use their endeavours, that all such pirates and robbers, and their accomplices and abettors, be apprehended and brought to condign judgment, and that all ships and merchandizes, as much as can be found of them, be restored to the true and legal owners or their attorneys, provided their right in them be made out by due and legal proofs in the court of Admiralty for maritime causes.

XXX. The subjects and people of both parties shall always have free access to the ports and coasts of the other confederate, and it shall be lawful for them to abide there, and to depart from thence, and to pass through all the seas and territories of both kings respectively (so as they do no injury or damage) not only with merchant ships and vessels of burthen, but likewise with ships of war, whether they be public ships or privateers acting under special commissions; and whether they be driven in by stress of weather, or for avoiding the danger of the sea, or to repair their ships, or buy provisions, provided they do not exceed the number of six ships of war when they come in voluntarily, nor stay any longer than shall be needful for

for repairing their ships, or buying provisions and other necessaries: and if upon occasion they should be desirous of entering into such ports with any greater number of ships of war, it shall not be lawful for them so to do, without timely notice of their arrival being first given by letter, and previous leave obtained from those to whom such ports shall appertain; but if they shall be compelled by storm or other urgent necessity to put into any harbour, in such case, notwithstanding the want of such previous notice, the ships shall not be limited to any certain number, on condition nevertheless that the commander of such ships do immediately upon their arrival, certify to the chief magistrate or governor of that place, port or coast where they shall happen to arrive, the cause of his arrival; and they must not continue there any longer than the time allowed by such chief magistrate or governor, nor do or attempt any act of hostility in such ports, nor any thing prejudicial to the confederate to whom such ports belong.

XXXI. It shall not be lawful for the subjects of the said kings, or the inhabitants of the kingdoms and countries under their obediences, to procure any commissions or letters of reprisals from any prince or state, with whom either confederate shall be at variance or open war: much less shall they any ways injure or molest the subjects of either by virtue of such letters; and both the said kings shall strictly enjoin their own subjects respectively, that they do not procure or accept of any such commissions from any princes or states whatsoever, but shall, as much as in them lies, absolutely prohibit and prevent any depredations to be committed by virtue of such commission.

XXXII. If any ship or ships belonging to the subjects of either kingdom be taken in the ports of either by any third party, they in whose port or dominion whatsoever such ships shall be taken, shall be obliged to use their utmost endeavours in conjunction with the other party, to pursue and recover such ship or ships, and to restore them to the proper owners; which however must be done at the proper costs and charges of such owners, or of those who have an interest therein.



XXXIII. In case there shall be found in any thing taken by the subjects of either confederate and brought into any port belonging to the other, any mariners or other persons being subjects of that confederate into whose port or rivers such prize shall be brought, they shall be civilly treated by the captors, and immediately set at liberty without any ransom.

XXXIV. If any ship of war of either crown shall happen to take a ship belonging to the other laden with prohibited goods, it shall not be lawful for the commander of such captor to open or break up any chests, casks or packs found therein, nor to remove, or any ways alienate any of the goods, until they are first brought on shore, and an inventory be made of them in the presence of the judges or maritime causes.

XXXV. For the greater security of the subjects of both kings, and that the greater care may be taken that no violence be done or offered to any of them by the said ships of war, his Britannic Majesty's captains of his ships of war, and all other his subjects, shall be strictly ordered and enjoined that they no ways injure or molest his Danish Majesty's subjects; and if they transgress herein their persons and all their goods shall be bounden and liable, until just and ample satisfaction and compensation be made for all damage so done by them, and for all advantages which may have arisen or shall arise to them therefrom: in like manner, all commanders of ships of war belonging to his Danish Majesty, and all other his subjects whatsoever, shall be strictly enjoined, under the like penalties, not to injure or molest any of his Britannic Majesty's subjects. Provided nevertheless, that all actions in such cases shall be tried and determined by due and legal process in the court of admiralty of the said kings respectively: or if either party being an alien in that place where the matter in question is to be tried and settled, shall rather chuse it before certain special commissaries to be immediately appointed by either king to whom it shall belong, upon the request of such party: so as all proceedings of this sort shall not only be carried on in the most easy and moderate way, in point of expence, but shall likewise be finally determined within the space of three months at farthest.

# DISCOURS

ON THE  
CONDUCT

OF THE

## GOVERNMENT OF GREAT-BRITAIN,

IN RESPECT TO  
NEUTRAL NATIONS.

IT is unhappy for the race of mankind, that those collective bodies, into which it is divided, should be subject to the same passions and animosities, as the individuals, of which they are composed, and not have, like them, some visible superior tribunal, which might hear and compose their dissensions: this might perhaps prevent those appeals, which are too frequently made to the sword, where the events of war alone decide the cause, and the sentence, which passeth on the transgressor, brings also to the injured party a large share of misfortunes, in the execution of it. The welfare of mankind however requires, that this necessary evil should be confined within the narrowest bounds; and that a trial, where the proceedings are so destructive, should be made as short, and as equitable, as the nature of it will admit: It is the duty, therefore, of those, who are not concerned in the dispute, to be extremely attentive

This Pamphlet was written by the Right Hon. Charles Jenkinson, now Secretary at War, and published in the year 1758, at which time many Dutch ships were seized by order of the British Government. A few years prior to this period, Mr. Jenkinson had made himself remarkable in the great contested election for the county of Oxford, between Wenman and Dainwood, Parker and Turner, by writing in support of the Whig interest. After he had published this pamphlet, the late Lord Harcourt recommended him to the patronage of the late Mr. George Grenville, then Treasurer of the Navy. Mr. Grenville carried him to the Duke of Newcastle; there being no vacancy in any of the offices, the Duke gave him a pension of 5000 per annum, for writing this pamphlet, which pension he receives to this day.

tive to their conduct, that they may not thereby contribute to render the contest unequal: as far as man is concerned, it is force alone on which the decision depends; to add therefore by any means to the power of one party, is manifest injustice to the other, and besides is highly injurious to the rest of mankind: since it necessarily tends to spread discord among nations, and from a single spark of contention to light up a general flame.

It might be hoped, that a duty like this, enforced by such powerful motives, would be universally observed, and that no private inferior interest could induce any power to transgress it: if some little profits, the object of greedy individuals, should perhaps arise from the violation of it, can a nation in general reap a benefit, where public justice receives a wound? To act in opposition to this in hopes of some present advantage, is to establish a dangerous example, which may hereafter prove injurious to ourselves: it is to unite the only band, which holdeth nations happily together, and to banish mutual confidence from the various communities of the world.

Such however hath been the mistaken conduct of some neutral states during the present war. — France consented to the treaty of Aix-la-Chapelle, that she might the more securely pursue the objects of her ambition: and that under the disguise of peace she might extend and fortify her possessions in a part of the world where her arms in time of open war had always till then been unsuccessful: for this purpose she had artfully contrived, that the American rights should not be determined by that treaty, but be left to the consideration of commissaries, to whose decisions she never meant to pay any regard. — Canada was her vulnerable part: this therefore she resolved first to strengthen, and then to enter again with more confidence into war; while we were employed in debating our rights, she took more effectual means to end the contest in her favour: she sent frequent supplies to America; she seized and fortified the passes and navigable rivers of that country drove the English from their possessions, and built forts on the dominions



of Great Britain: when the design was thus far advanced, England saw it in all its terrors, and with spirit determined to support her just rights: though forsaken now in her distress by those allies, who owe their independency to her protection, she feared not in such a cause to stand alone against all the efforts of France: she sent forth her naval strength, but the enemy soon rendered the attempts of that ineffectual, by resolving never to try its force: In what manner was she now to employ it?—One only object remained worthy of its attention, and that was to destroy the trade of the enemy, and to intercept the succours, which she sent to her dominions in America.—I thought this would not crush at once the evil, it would stop at least the sources that feed it, and might in the end contribute it induce the enemy to consent to a reasonable peace.

France endeavoured again to obviate this stroke by her policy. She took off the tax of 50 sous per ton, which she always chuses to keep on foreign freightage: she opened even her American ports, and admitted other countries to that choice part of her commerce, which by her maritime regulations she hath at other times so strictly reserved to herself. Neutral nations seized at once on the advantage, and opened to the enemy new channels for the conveyance of those riches, by which the war was to be nursed and protracted: under the banner of friendship they thus served the cause of the adversary, whose wealth secured by that protection would have passed safe and unmolested through our fleets: if Britain again raising her spirit, had not resolved that by this means her naval power should not be rendered useless, and seized on the enemy's property, which she found on board neutral ships.—It is well known however, that her conduct in this respect hath not been universally approved, and that some neutral nations think they have a right to carry in their vessels unmolested the property of our adversaries.—As I have differ with them in sentiment, this is the point, on which I intend to discourse.

Great and wise governments have always been jealous of national glory: it is an active principle, which properly

properly cultivated, operates in virtuous actions through every member of the state. To preserve this therefore in its purity, is the duty of every one who loves his country. — Can it then be wondered, that the nation of a kingdom, always celebrated for its public spirit, and its upright faith, at a time, when abuses are called in doubt, should interest himself in its defence? No indecent charges shall here be urged against other countries, it is meant only to vindicate the honour of our own. It is to be lamented, that the necessity of effort should at such a season have given occasion to this dispute, particularly with that ancient ally of England, who hath so often fought with her, under the same banner, in support of the just rights and privileges of mankind: the zeal of any government to encourage the industry of its people, is, what a British pen can never disapprove: the principle is noble, and merits even our applause: I only mean to shew, that the present object of it is not just.

I shall therefore examine the right, which neutral powers claim in this respect, first, according to the law of nations; that is, according to those principles of natural law, which are relative to the conduct of nations, such as are approved by the ablest writers, and practised by states the most refined. — I shall then consider the alterations, which have been made in this right by those treaties, which have been superadded to the law of nations, and which communities, for their mutual benefit, have established among themselves.

The right of protection then must have its foundation in some law, and when considered in relation to any particular case, it must be founded on that law, by which the interests of the parties concerned are generally determined, and which hath force in that place, where the right of protection is claimed. Thus in the present case, if neutral nations have any right to protect the property of the enemy, it must take its rise from those laws, which are the established rules of conduct between nations, and particularly on that element, where this right is supposed to be exerted. No civil or municipal institutions, and much less the privileges arising from them, can here take place; they have no force but under the dominion of those, who  
agreed

agreed to their establishment. The question then is  
How far according to the law of nations, both the right  
of protection extend—To answer this clearly, we must  
observe, that governments can have succeeded to another  
rights, but such as their respective members enjoyed in  
a state of independence, and that one state never goes  
to another, which were in a state of nature, nor in  
the same condition, so which may, it is true, be  
they entered into society, the right therefore of pro-  
tection, which individuals would have enjoyed in that  
a situation, is the same, which governments can have  
at present. An individual citizen in that situation  
would have had an undoubted right to protection of  
persons, and property against any attack, however  
an individual concerned with another, who has  
have had a right to protect himself against the  
certainly, but since he then would depend upon  
a right, which the law of nature, forming own freedom  
would in such a case give me, of seizing the property of  
his neighbor, and destroying his person, which I thought  
my conduct manifestly injurious, as I call for  
general agreement, he would not that account between  
my enemy himself, but as long as he calls himself a  
neighbor, to act in this manner against you would be the  
less absurd than unjust. A such therefore said no more  
is the right of protection, which governments enjoy at  
present in their places, to which their own dominion  
does not extend, they have succeeded to the rights only  
of their respective members, and by consequence, they  
alone they can protect within their own jurisdiction.  
But it will be asked, From whence then arise the  
rights, which governments always enjoy of protecting  
the property of the enemy within the precincts of their  
own country?—It is a consequence of the right of  
dominion, unless therefore their dominion extends  
over the ocean, the right of protection cannot there  
take place; dominion gives a right of enacting laws,  
of establishing new jurisdiction, and of making all  
(whether its own subjects or those of other countries)  
submit to those, who come within the pale of its power.  
Here then is the trial, which the law of nations goes  
into, to see what right it has to protect its subjects  
from the violence of the enemy, and to protect its



is, as it were, superseded; and any proceedings upon it would of course be unjust; but as soon as you are out of the verge of this particular jurisdiction, the laws thereof and the privileges, which attend them, cease at once; and the general laws of nations again have their force: here the property even of an ally hath no other protection than what these laws allow it; being joined therefore to the goods of an enemy, it cannot communicate its protection to these, since the same law which gives security to the first, allows you to seize and destroy the latter. These reasonings are exemplified by a common fact;—within the precincts of the dominion of any government, you are not at liberty to search the ships of any country; but is not this liberty universal and immemorially practised over all on the main sea? and wherefore is the search made, but that according to the law of nations, all are here answerable for what they may convey off shore. There is something analogous to this in most civil governments: few countries are without some places, which enjoy a right of protection from the general laws of the state, such as palaces, churches, of religion, and the like; and this right generally arises from some pretence to an exclusive jurisdiction; as long therefore as any particular property remains within the verge of these, however justly it may be the object of the law, it is not subject to the power of it; but suppose it conveyed from hence into the public roads, beyond the precincts of this particular palace, or convent, the protection it received, would vanish at once, and the general laws of the community would fully then have force upon it. Thus the protection, which governments can give within their dominions, extends not to the sea; the ocean is the public road of the universe; the law of which is the law of nations, and all that pass thereon, are subject to it without either privilege or exemption.

In this manner of reasoning should not clearly establish my point. I can appeal in support of it to the ablest writers on public law, who will be found to have decided the question unanimously in my favour.

And

And first I will produce the testimony of that learned  
 native of Delft, who wrote so nobly on the freedom of  
 navigation to serve his ungrateful country. In one of  
 the passages, which are now before me, it is remarkable,  
 how much he labours to give the greatest extent to the  
 rights of commerce; and yet with all his laudable bias  
 to this favourite point, he appears clearly to be of  
 opinion, that the ship of a neutral nation cannot pro-  
 tect the property of an enemy: he even allows, that  
 such property, being found on board any vessel, affords  
 a strong presumption, that she also belongs to the enemy,  
 and that she might on that ground be condemned;  
 unless evident proofs be produced to the contrary; and  
 then he adds, *Alioquin et ipsa solis in praesentia re-  
 nuntia*; and speaking again in another place on this  
 point, he says, that in case the wrong done me by my  
 enemy is manifestly unjust, and that any one by affording  
 him succours should encourage him in his enmity against  
 me, *Non sum non tantum bivilliter tenebitur de damno,  
 sed & criminaliter, ut idem qui iudici imminenti reum  
 manifestum eximit*. A fine and animated manner  
 of expression, which shews how clear the opinion of this  
 great author was upon the question. To the testimony of Grotius I shall add that of Byn-  
 kerhoek, a native also of Holland, and whose senti-  
 ments in point of maritime jurisprudence Barbeyrac  
 often prefers even to those of the former; and what  
 makes his opinion at this time of great importance, is,  
 that he wrote principally for the use of the courts, and  
 states of the United Provinces, and generally considers,  
 what he advances, by their judgments and resolutions.  
 He speaks expressly in favour of my point. "Ratione  
 consultat," says he, *non sum qui videam, cum non  
 liceret capere res hostiles quamvis in navi amica re-  
 perias, id enim capio, quod hostium est, quodque  
 jure belli victori cedit*. He then assigns for his  
 opinion this reason, that as it is lawful to stop on the  
 ocean any vessel, though she carry the colours of a  
 neutral nation, and to examine by her papers, to whom  
 she really belongs; and in case she appear to be the  
 property of an enemy, to seize her as lawful prize, so

he can set no cause, why this rule should not extend to the effects which any ship may have on board, and of the goods of an enemy should lie there concealed, why they also by the right of war should not be taken and condemned. He ever declares it to be his opinion, that the owner of the neutral vessel should in such a case lose the price of his freight, & severity, which the English Courts of Admiralty never practise, whose some particular circumstance doth not require it. However, I shall add to these the opinion of Albericus Gentilis, esteemed the ablest writer on national jurisprudence, till Grotius bore the palm from him, and his fame in this respect was so great, that Philip the Third of Spain appointed him perpetual advocate for his subjects in all causes, which they might have depending in the Courts of England. This author states a case, where the Turks had taken the effects of the Turks, so that upon their enemies, which they found on board some English ships, and he determines, that the Turkish goods are legal prize, but that the captor must pay the freight to the English. "Transcunt res," says he, "cum sua causa, victor succedit in locum victi, tenendum est pro toto naufragio." The property of the enemy passeth to the captor, but all its consequences attend it, the goods justly belong to him, but he must pay to the freighter all which the enemy would have paid, to whose right he hath in every respect succeeded. To enter particularly into the sentiments of any more writers on this subject, would be equally tedious and unnecessary, it will be sufficient to mention the names alone of such others, as are in favour of the question. Among these I find Heinnecius, no distinguished for his knowledge of laws, than for his learning in what are the best expostors of laws, the antiquities of governments. Zuch, who for many years presided in the Courts of Admiralty of this kingdom. Voet, Zucharius, and Decenius, all of them writers of reputation, and whose opinions are universally relied on by all who treat on public jurisprudence. I might indeed have wholly omitted the sentiments of these learned individuals, since we shall find, that great communities themselves have confirmed our opinion both



both by their laws and by their practice: It will not be proper on this occasion to look far back into the early annals of the European states, when the governments of these were yet in their infancy, the advantages of commerce were but little understood, and of course the rights of it were not sufficiently regarded; war was then too much the passion of rapine; and they, who entered into it, meant less to conquer, than to plunder. As soon however as some better order began to be introduced into these affairs, it then became usual for each party at the commencement of the war to publish a declaration, wherein he specified what kind of trade he would permit neutral nations, to carry on with his enemy; and the regulations of these were sometimes attended to, and sometimes not, either as the interest of the party neutral inclined him to submit to the restraint, or as the power of the party belligerent enabled him to enforce the execution of it. Now true it is, that the prohibitions which these declarations contain are various, according to the sentiments of the different governments which made them; and on that account, they are perhaps too unsteady a foundation, on which to establish a right; we may draw however from them one powerful inference in our favour, that not one can be found amidst all this variety, that ever permitted neutral nations to protect the property of the enemy: this branch of freightage they all agree unanimously to prohibit.

The free states of Italy cultivated first the interests of commerce; before any vessel had as yet passed the Cape of Good Hope, and a shorter passage had been discovered to the East Indies, Venice and Genoa drove the principal trade of the world, and dispersed the manufactures of Asia to the different parts of Europe; it naturally followed, that these two commercial republics soonest understood and defined the just rights of navigation; their maritime constitutions still remain collected in the *Consolato del Mare*; and the reputation of these was so great, that as the laws of Rhodes were once to the Romans, and the laws of Oleron to the western parts of Europe, so these Italian laws became of force universally to all the nations, which border on the Mediterranean.

Mediterranean sea: these have determined the point expressly in our favour. In one of them it is asserted, *Se la nave o navilio, che pigliato sarà, fosse d'amici e de mercantie, che lui porterà, saranno d'inimici, lo armiraglio della nave o del navilio armato, può forzare &c. constringere quel patrono di quella nave o di quel navilio, che lui pigliato haverà, che lui conquella nave gli debba portare, quello, che di suoi inimici sarà.* If the ship or vessel, which shall be taken, belong to an ally, and the merchandize which she has on board belong to an enemy, the captain of the armed ship may force or constrain the master of the ship or vessel which he has taken, to carry into some port, for his account, the effects of his enemy which are on board: and it is afterwards added, that the master of the vessel must be paid for the freightage of the goods of the enemy. — And such was not only the constant purport of their laws, but the practice of their governments was always conformable to it. Their historian tells us, that in the war between the Venetians and the Genese, the ships of Grecians, who were neutrals, were always searched, and the enemies, who lay hid in them, were taken out, and made prisoners. It is unnecessary to dwell longer in giving a further detail of the conduct of every nation in this respect; I will therefore confine myself to those who are most concerned in the present dispute; and will shew, that as England claims no more at present, than what she always enjoyed, so France and Holland have constantly supported the same opinion, whenever their interest required it.

It was in the reign of the first Edward, a prince who thoroughly understood the rights of his Crown, and had a spirit equal to the support of them, that Philip the Fair of France, being engaged in a war with the Duke of Burgundy, the French Admiral took the ships of several neutral nations, which were passing through the British Channel into the ports of Flanders: great complaints were made on this head, and commissioners were appointed to examine into the conduct of the Admiral; a libel was there presented against him by almost every trading

trading nation of Europe: the record of this is still remaining: and if neutral nations had at that time pretended to enjoy the right of protecting the property of the enemy, and that the effects which they carried on-board their ships, could in no case, except in that of contraband, be made lawful prize, we might well expect that this right would here have been claimed and asserted: fear could not in this case have prevented it: for all the world, except France, was on one side of the question: but the record contains no such claim: the injured demand their right on a different principle, because the ships were taken on those seas, "where the Kings of England (saith the record) have from time out of mind been in peaceable possession of the sovereign Lordship, with power of appointing laws, of prohibiting the use of arms, of giving protection, as occasion should require, and appointing all things necessary for the maintaining peace, justice, and equity, among all, as well foreigners, as natives, who navigate those seas." Here, then, the right of protection is placed on that basis, on which alone it can properly be founded, the right of dominion: no other pretence is offered, and if I may be allowed to sum up the evidence, as their names are written in the record, "Genoa, Cataloigne, Espagne, Alemaine, Seland, Hovland, Frise, Denmark, Norway, & plusieurs autres lieux del'Empire" all join here in asserting the principle, on which I first established my argument.

The annals of Edward the Third afford still other facts in favour of my opinion: this Prince added to his military accomplishments great sagacity in the science of laws, and uncommon attention to the commercial interests of his kingdom: In the second year of his reign he confirmed the Charter of privileges, which some of his predecessors had before granted to foreign merchants, and particularly to those of the Hanse-towns, who were at that time the greatest freighters of the Western parts of Europe: this instrument may well be considered as a sort of maritime regulation by which England meant to direct her conduct, at that time, in maritime affairs.



affairs of this nature: in this liberty of navigation is  
 fully confirmed; foreign merchants are allowed to carry  
 their goods, whether purchased within the kingdom, or  
 without. "Quocunque voluerint," but with this excep-  
 tion, "præterquam ad Terras notiorum & ma-  
 " infellorum hostium Regni nostri;" and some offences  
 being afterwards committed against this charter in the  
 succeeding wars, it was again renewed in the same ma-  
 ner in the 6th year of his reign; in both these instances  
 the exception is express, that no trade whatsoever should  
 be permitted with the enemy; but this good King, per-  
 haps through a principle of justice, and his ardent love  
 to commerce, seems to have practised this right with  
 more moderation, that is, in much the same man-  
 ner, in which the government of England claims it at  
 present: for in his wars with Scotland, some ships of  
 Great Yarmouth having taken several vessels belonging  
 to the Burgesses of the Town of Bruges, "Præter-  
 " dentes Bona in iudicio existentia fuisse hominum de  
 " Scotia," he directed his precepts to the Sheriff of  
 Norfolk, commanding him to set at liberty, and re-  
 cause full restitution to be made of the ships, and of  
 such of the goods, as belonged to the merchants of  
 Bruges, and that he should detain only that part of the  
 cargo, which was the property of the Scotch, his ene-  
 mies: We find also, that when Queen Elizabeth was  
 engaged in war with Spain, she forced several vessels of  
 the Hanse-Towns, which were entering into the port of  
 Lisbon; and she urged among other arguments, the  
 charter above mentioned, in defence of her conduct:  
 she was in this respect so satisfied of her right, that the  
 threats of the German Empire and other martial powers  
 could not oblige her to relinquish it; and though she  
 might perhaps on this occasion give too great extent to  
 this right, yet it is remarkable, that Monsieur de Thor,  
 who was himself a great lawyer, and had long sat on  
 the first Court of Judicature in France, even when  
 he blames the conduct of the Queen in this affair, passes  
 his censure upon it, not as defective in justice, but only  
 in policy: "In tam alieno imperio," says he, "præter  
 " prædiores existimamus, imprudens factum esse  
 " Regina ab Anglis."

We

We have as yet mentioned the conduct alone of those English Princes, who knew how to assert their rights, and who ruled their people with glory: but we shall find that even under a weaker government, and in a later period, this right of seizing the property of the enemy found on-board neutral ships hath been fully claimed and practised: when Villiers Duke of Buckingham presided over the naval affairs of England, and to gratify his own private resentments had engaged his country in a war against Spain, the British fleet under Penington took several French vessels, to the number of between thirty and forty, which had Spanish effects on-board: they were brought into the ports of England, and our Courts of Admiralty condemned the goods of the Spaniards as legal prize, but ordered the vessels of the French to be released, and the freightage to be paid to them. This conduct was avowed by the Court of England, and a full representation of it transmitted by the Lord High Admiral to the administration of France: about fifteen years after this, when the French themselves were at war with Spain, the navy of France took a great many English ships, which were laden with the property of Spaniards: and their Courts of Admiralty condemned not only the enemy's effects, but the English ships, which conveyed them: the Earl of Leicester, then Ambassador in France, made great complaints on this head: he was answered, that the English always acted in the same manner; and this reply being transmitted to the Earl of Northumberland, at that time Lord High Admiral, he consulted upon it Sir Henry Martin, the best English Civilian of that age, and the most versed in maritime jurisdiction; and by his advice he returned to Lord Leicester the following answer, which at the same time proves the constant opinion, and shews the moderation of the British Admiralty on this point: that, "says he, which is alledged by the French to be practised in our Courts of Admiralty, is absolutely denied; and that neither the law nor practice hath ever been here to confiscate the goods of friends for having enemies goods among them; we are so far from doing

doing any such act of injustice, as when in time of war we have met with any such prizes, the freight hath always been paid by the latter for those enemies goods, that he took, and those, that belonged unto friends, were truly restored to them.

This much may suffice to shew the conduct of the people of England. History will also prove to us, that Holland hath always exerted the same right. At the beginning almost of that war, which the United Provinces sustained in support of their liberties, and even before their Sovereignty was as yet fully established, the people of Zealand scrupled not to carry into their ports all such neutral vessels, as were conveying the effects of the enemy, under pretended names, from Flanders into Spain, and the Courts of Admiralty of that province adjudged the Spanish property to be legal prize: and though they released the neutral ships, they made them no compensation for the freightage, although there were some English vessels, and Queen Elizabeth, angry that to young a state, and one, which had placed itself under her protection, should in any degree interrupt the commerce of her people, at first shewed the effects of her resentment, by seizing their ships, and imprisoning their merchants; the Zealanders upon this made reprisals, several English vessels were detained, and their commanders put under confinement: to endeavour at some settlement of this affair, the Queen sent over into Holland, Mr. Robert Seal, her Secretary; and for the same purpose the Prince of Orange dispatched a Minister to London, by whose means the dispute at last was compromised; the ships and the prisoners were on both sides released; but the Queen never obtained the restitution of the enemies goods, which were taken on board the vessels of her subjects; this fact is worthy of observation, not only, as it relates to the conduct of Holland, but as it shews, how far a Prince is bound to himself, in equity to yield, whom his subjects have always described as positive in her temper, and whenever her honor was concerned, of a very irascible disposition.



Holland, whenever she was engaged in war, almost constantly pursued the same conduct: she sometimes even prohibited the commerce of neutral nations beyond all justice and moderation. Charles the Second, in a letter to the States-General of October 2, 1666, charges them with a remarkable violence of this nature: being at war with some African Princes in the East Indies, they seized all the ships and goods of the foreign merchants, which were trading to those countries; and the Dutch Governor scrupled not only to protest in their declarations, *Qu'ayant déclaré leur armement en guerre aux Princes avec qui ils avaient déclaré de trafiquer, cette guerre devoit par conséquent leur interdire tout commerce avec les dits Princes*; but to permit every many other instances of their conduct in this particular, lest I should appear tedious, especially as one fact still remains, which is alone sufficient to evince the opinion of Holland on this point: and the which I do rather chuse to mention, as it happened even after the Dutch had by their negotiations endeavoured to establish as a general maxim among nations, that the goods of an enemy under a neutral banner should pass unimpeded. At the commencement of that war, which broke out immediately after the Revolution, when the first grand alliance was formed against France, Holland entered into a convention with England to prohibit totally the commerce of neutral powers with the enemy: in the preamble of this they affirm publicly their reasons, for it, they say, "that having declared war against the Most Christian King, it behooves them to do as much damage as possible to the common enemy, in order to bring him to agree to such conditions as may restore the repose of Christendom; and that for this end it was necessary to interrupt all trade and commerce with the subjects of the said King; and then to effect this, they had ordered their fleets to block up all the ports and havens of France;" and afterwards in the second and third articles of this convention, it is agreed, "that they would take any vessel, whatever King or State it may belong to, that shall be found sailing into or out of the ports of

France; and condemn both vessel and merchandise  
 of an illegal prize; and that this resolution should be no-  
 tified to all neutral states. Such therefore at this  
 time was the avowed opinion of Holland, and England  
 was induced to join with her in the convention, exceed-  
 ing thereby those bounds of equity and moderation,  
 which she had almost always practised in this point  
 before, and which she will I hope most faithfully ob-  
 serve for the future. The Northern Crowns, who were  
 particularly affected by this prohibition, contended very  
 vehemently against it, in answer to their objections were  
 urged, the circumstances of affairs, the danger of Eu-  
 rope, and the mighty strength of that ambitious power;  
 which if some extraordinary effort was not made, would  
 bring mankind under its subjection. It is remarkable,  
 that Bunsendorf, who towered his fortune and employ-  
 ments to one of these Northern Crowns, was of opinion  
 in this case against them, and thought that the conven-  
 tion might be justified. It is not meant here at present,  
 either to censure or commend it, circumstances may  
 sometimes make a thing to be lawful, which considered  
 by itself, would be unjust; but such times are truly  
 unhappy, when necessity must be pleaded in support of  
 a right doctrine. It remains that I now enquire into the conduct of  
 France, my proofs on this head will be clear, they  
 are indeed nothing less than the public laws of that king-  
 dom, by some very old French ordinances it is declared,  
 not only, that the enemies goods shall be adjudged to  
 be lawful prize, but that the neutral vessel which carries  
 them, or the property of any ally, which shall be joined  
 with them, shall be joined also in the condemnation.  
 It has always been a maxim of the Courts of Maritime  
 Jurisdiction of France, "Que la robe d'ami confisque  
 celle d'ennemi;" and so clear were they in this opi-  
 nion, that the laws, which established it, were repeatedly  
 enacted in the reigns of two of their Kings, Francis I.  
 and Henry III. That the practice of the French ma-  
 rine hath in this particular been conformable to their  
 laws, may be proved by a thousand instances. I shall  
 not therefore upon the authority of a Minister of Holland,

which

which will shew, what their conduct was in that Spanish war, which preceded the Pyrenean Treaty; In a letter of Monsieur Borel from Paris, to Monsieur De War, December 26th 1653, is "On n'oubliera pas de dire, qu'on a toujours été maxime favorable à leurs intérêts, & que leurs ennemis ne doivent recevoir ni défense ni service, des sujets de leur H. H. P. P. en transportant de chez eux quelques marchandises ou commodités, ou d'autres, qui seroient pour le compte de l'ennemi, sous peine, au cas qu'ils les trouvent dans les bâtimens Hollandois, qu'ils seront de bonne prise, & qu'on les puisse enlever des dits bâtimens & les confisquer."

But is not the old laws of France alone, that thus determine this point, their more modern regulations confirm it: one of the last and greatest services, which Colbert performed to his country, was the establishment of a system of naval laws, the wisest and best digested, which the spirit of legislation hath ever yet produced; and it is observable, that although the ordinance, which contains these laws, was registered in 1681, several years subsequent to those treaties, by which France agreed that neutral vessels should protect the property of the enemy, to yet it pays no attention to them, and establishes the contrary doctrine. This proves how little regard France to always shewed to that article. The words of the ordinance expressly condemn not only the enemies goods, but the neutral ship, which carries them. "All ships (saith the law) which have goods on board that belong to the enemy, shall be good prize."

Let us now look back, on what has been said, & the deduction which I have made, hath I fear, been tedious; but the importance of the subject by forced me into it. I flatter myself however it has appeare'd, that reason, authority, and practice, all join to support the cause I defend. By reason, I have endeavour'd to trace out those principles, on which this right of capture is ground. I add, and to give that weight to my own sentiments, which of themselves they would not deserve. I have added the authorities of the ablest writers on this subject, and lastly, I have enter'd largely into the conduct of nations, that I might not only lay thereby a broader foundation



for this right, but that I might the more fully illustrate by the extravagant pretensions of other states in this respect, the present moderation of England: no age or country ever gave a greater extent to the commerce of neutral nations, and we have seen that most in the same circumstances have confined it within much narrower bounds.

There remains still however one objection to what has been said, and that of so plausible a cast, that I cannot leave it without an answer: it has been pretended, that the liberty of navigation is destroyed by means of these captures, and that a violent restraint hath been put on the lawful industry of mankind. The liberty of navigation, in fair construction can mean no more than the right of carrying to any man unmolested, the product of one's own country or labour, and bringing back the emoluments of it: but can it be lawful, that you should extend this right to my detriment: and when it was meant only for your own advantage, that you should exert it in the cause of my enemy? Each man hath a right to perform certain actions, but if the destruction of another should follow from them, would not this be a just reason of restraint? The rights of mankind admit of different degrees, and whenever two of these come into competition, the lowest in the scale must always give place to the higher:—but you will say, that you have a profit in doing this: if however it is otherwise unjust, will that consideration convert it into a right?—If you mean, that your own commerce ought to be free, that right is not in the least denied you, but if under this disguise you intend to convey freedom to the commerce of the enemy, what policy or what justice can require it? What can neutral nations desire more, than to remain amid the ravages of war in the same happy circumstances, which the tranquillity of peace would have afforded them? But can any right from hence arise, that you should take occasion from the war itself to constitute a new species of traffic, which in peace you never enjoyed, and which the necessity of one party is obliged to grant you, to the detriment perhaps destruction of the other? If this right was admitted, it would become the interest of all commercial states to

promote

promote contention among their neighbours; the quarrels of others would be a harvest to themselves; and from the contentions of others they would gather wealth and power. — But after all, the rights of commerce are not the real cause of this dispute: and liberty of navigation is only a fair pretence, which ambition hath thought fit to hold forth, to interest the trading states of the world in its cause, and to draw down their indignation upon England; this is not the first time that a deceit like this has been practised: when the power of Spain was at its greatest height, and Elizabeth wisely contended against the mighty designs of Philip, the capture of some vessels belonging to the *Hanse Towns* gave occasion to a contest of this nature: but it was the emissaries of Philip that then blew up the flame, and pretending a love to commerce, promoted the ambitious projects of their master; the Queen of England published an apology for her conduct, and this was answered in a virulent and abusive manner, not from any of the *Hanse Towns*, but from Antwerp, a city under the dominion of Spain, and it seemed to be written (says Thuanus) *per nomen Philippi patibulus additum, non tam pro libertate navigationis et in Germanorum causa defendenda, quam in Hispanorum gratiam, et ad Regine nomen protegendum*: the interests of commerce were the pretended cause of this dispute, but the real cause was the interest of Philip; the pretended design was to preserve the liberty of navigation, but the real end was to serve the cause of ambition, and to destroy the government of England; — this case need not be compared with our own at present, the resemblance is too obvious.

Here then we might rest our cause, if the law of nations was the only foundation on which this point could be argued; but the bands of equity have been found alone too weak to hold the nations of the world to their duty, their interest taught them to renew and confirm their by contracts among themselves, and frequently to add thereto certain mutual advantages, greater than what the law of nations singly would have allowed them to consider; therefore, what influence there may have in the present case, — whatever they are, I mean to give them

all

all the force, which reason or justice can require, if our  
 ancestors have betrayed the interest of their country in  
 granting any privileges of this nature, we who have  
 succeeded to their rights, are bound to abide by their con-  
 cessions; it is the happiness of great kingdoms, whose  
 power is equal to the support of their own indepen-  
 dency, to be able to rest up to those principles, which,  
 necessary hath often forced little states unhappily to aban-  
 don; those scandalous maxims of policy which have  
 brought disgrace both on the name and the profession  
 took their rise from the conduct of the little principalities  
 of Italy; when distressed by the successive invasions,  
 which France and Spain made upon them, they broke  
 or were informed to their leagues, as their own security  
 obliged them, and their reformed shifts and evasions  
 formed into systems by the able doctors of their councils,  
 have composed that science, which the world hath called  
 political a science of fraud and deceit, by which kingdoms  
 are taught to be governed on principles, which individuals  
 would be ashamed to profess; as if there could be no  
 morality among nations, and that mankind being formed  
 into civil societies, and collectively considered, were let  
 free from all rules of honour and virtue.

It must then be allowed, that there are articles in some  
 of our maritime treaties with other nations, which have  
 stipulated that, "All which shall be found on board the  
 vessels belonging to the subjects of those countries,  
 although the whole lading of any part thereof shall  
 be just title of property, belong to the enemies of  
 Great Britain;" such an article is inserted in those ma-  
 ritime treaties, which Great Britain hath made with Por-  
 tugal only: it has indeed by some been supposed, that  
 the subjects of the crown of Spain have a right to enjoy  
 a privilege of the same nature: certain however it is  
 that no such article as that above-mentioned, can be found  
 in the maritime treaties between that country and Great  
 Britain, and particularly in that of Madrid of 1763,  
 which is the principal maritime treaty at present in force  
 between the two kingdoms: but as a mistake in this re-  
 spect may possibly have arisen from a false interpretation  
 of some articles in the treaty of Madrid, which relate to  
 general,



general, that "the subjects of the two Crowns respect-  
 "tively shall have liberty to trade throughout all coun-  
 "tries, cultivating peace, amity, or friendship with either  
 "of them, and that the said liberty shall in no wise be  
 "interrupted by any hindrance, or disturbance, what-  
 "soever, by reason of any hostility which may be be-  
 "tween either of the said Crowns and any other king-  
 "doms; and as the liberty here stipulated may by some  
 "erroneously be imagined to extend so far, as to give a  
 "right to carry freely the effects of the enemy: it will be  
 "necessary here to remove this error, and to stop a claim  
 "to show the true design and meaning of these articles.  
 "It cannot, I think, be doubted, that, according to the  
 "principles of natural equity, which constitute the law of  
 "nations, the people of every country must always have  
 "a right to trade in general to the ports of any state, though  
 "it may happen to be engaged in war with another, pro-  
 "vided it be with their own merchandise, or on their own  
 "account; and that under this pretence, they do not  
 "attempt to screen from one party the effects of the other,  
 "and on condition also, that they carry not to either side  
 "them any implements of war, or whatever else, according  
 "to the nature of their respective situations, or the circum-  
 "stances of the case, may be necessary to them for their  
 "defence. As clear as this point may be, it has hitherto  
 "appeared by the facts deduced above, that in the irregu-  
 "larities of war, the rules of equity in this respect  
 "were not always enough regarded; and that many go-  
 "vernments, in time of war, have often most licen-  
 "tiously disturbed, and sometimes prohibited totally, the com-  
 "merce of neutral nations with their enemies; about the  
 "middle therefore of the last century, when the com-  
 "mercial regulations, which at present subsist between the  
 "European powers, first began to be formed, it became  
 "absolutely necessary to call back the attention of govern-  
 "ments to those principles of natural right, from which  
 "they had strayed; and to fix, and determine, what shall  
 "the law of nations, by the articles of their respective  
 "treaties; for this purpose, the negotiators of that age, re-  
 "ferred in their commercial regulations, articles to the same  
 "purpose, as those above mentioned; asserting, in general,

a right to trade unmolested with the enemies of each other; and these they usually placed among those articles of general import, which are commonly first laid down in treaties, as the basis, on which the subsequent stipulations are founded: the rule therefore of equity in this case being thus denoted, they came afterwards to erect upon it such privileges, as that rule alone would not have allowed them; and among the rest, some nations, as their interest prompted them, granted mutually to each other, by new and express articles, the right of carrying freely the property of their respective enemies. These last articles therefore must be considered as wholly distinct in their nature from those before mentioned, and in their meaning totally different: the first are in affirmation of an old rule; the last create a new privilege;—those only confirm a right, which was determined by the law of nations before; these make an exception to that law;—if they both imply the same sense, why are both to often found inserted in the same treaties? Would the repetition in such a case have been necessary? and to what purpose were new articles added to grant a privilege, which was already included in the terms of the preceding? The same exception also of contraband goods, is again repeated in the last case, as well as in the former; and shows clearly, that the property, which is the object of the exception in the different articles, must likewise in its nature be different; the one relates to the ordinary means of traffic, which every nation enjoys, its own produce or property; the other to the property of the enemy.

But this point is still more clearly explained by the assistance of other treaties, where articles of the same force, as the 2<sup>nd</sup> and 3<sup>rd</sup> of the treaty of Madrid, are inserted, and the intention of them fully made appear from the subsequent parts of the same treaties.—In the treaty of commerce between Great Britain and Sweden, of the 31<sup>st</sup> of October, 1661, it is stipulated by the 1<sup>st</sup> article, that “it is by no means to be understood, that the subjects of one confederate, who is not a party in a war, shall be restrained in their liberty of trade and navigation with the enemies of the other confederate.”

"federate, who is involved in such war: and then in the article which immediately follows, the meaning of these words become manifest beyond a doubt: it is there to far from being supposed, that the liberty here granted can be so interpreted, as to imply a right of conveying the effects of an enemy, that the very attempt to practise it under favour of this liberty, is there called a fraud; and as a most heinous crime, is ordered to be most severely punished; and to prevent any collusion in this respect, the vessels of both parties are required to be furnished with passports, "specifying of what nation the proprietors are to whom the effects on board them belong. — And in the treaty of commerce between Great Britain and Denmark, of the 20th of November, 1669, a right of free trade with the enemy is stipulated in the 16th article; and afterwards, by the 20th article, the extent of this right is made apparent: here the means are let down to prevent the designs of those who, under favour of this stipulation, should attempt to protect the effects of the enemy; and the illegality of such a practice being supposed, as not necessary to be expressed, the article then declares, "but lest this liberty of navigation and passage for one ally, might, during a war, which the other may be engaged in, by sea or land, with any other state, be of prejudice to such ally, and the goods belonging to the enemy be fraudulently concealed under the colourable pretence of their being in amity together; to prevent therefore all fraud of that sort, all ships shall be furnished with passports; the form of which is there let down, and is the same as that mentioned above. — From these treaties then it manifestly appears, that by a general stipulation in favour of trade with the enemy, of another power, negotiators never intended to imply a right to carry freely the effects of that enemy; but that to establish such a right, it is necessary to have it expressly mentioned. The 21st and 22d articles therefore of the treaty of Madrid, in which liberty of traffic to the countries of the enemies of Great Britain is thus in general stipulated, can be explained to grant to the subjects of the Crown of Spain no other right but that of carrying on without any



injurious "molestation" or "disturbance," which it is  
 as would otherwise be legal according to the law of  
 nations; and by this law, in time of war, it never  
 could be legal to protect the effects of an enemy, and  
 a privilege like this in Great Britain both now and  
 consented to grant, but in her commercial treaties  
 with France and Holland, the first of these is put an  
 end to by the present war; it remains therefore that  
 I now discourse only on this privilege, as it is stipulated  
 in the British Treaties with Holland, and I propose to  
 shew that here also it is extinct. But to give a fuller  
 view of my subject, and to shew the origin and inten-  
 tion of this privilege, it will be necessary to enter a  
 little into the history of it, and to relate the manner in  
 which the article that grants it, was first admitted into  
 treaties.

When the United Provinces had put an end to the  
 Treaty of Munster, to that long war which they had  
 so nobly maintained in support of their liberties, and  
 had happily crowned their labours by obtaining a full  
 acknowledgment of their sovereignty, delivered from  
 the curse of war, they wisely turned their thoughts to-  
 wards the arts of peace; after long contentions among  
 themselves, their commercial provinces had at length  
 obtained the greatest lead in the state; the interest  
 of trade was of course the principal object of their coun-  
 cils; their armies were reduced; all who favoured  
 war were no longer in credit; and the views of their  
 Ministers terminated chiefly in giving permanence to that  
 extensive traffic, which had supported them through all  
 their distresses, and to the effects of which they princi-  
 pally attributed all their power and freedom.

They were indeed at this time so fully masters of  
 almost all the commerce of the world; that they had  
 little else to do, but to preserve the possession of it; the  
 public was on this occasion amused with a new species of  
 policy, the offspring rather of avarice than ambition;  
 desirous of keeping the rest of mankind in indolence,  
 that it might more fully reap the fruits of its own in-  
 dustry; where wealth was at least the first object in  
 view, though in the end it might be accompanied  
 by

by its usual attendant, power, not the arts which they  
praised to preserve their fisheries, and to secure to  
themselves alone the trade of the Atlantic seas, are well  
known, and not at present to our purpose; they urged  
loudly the freedom of navigation, till they had made it  
free indeed for themselves; but they have been charged  
with grasping a different doctrine on the other side of  
the line, to what they professed on this; and with seek-  
ing to establish an exclusive trade on those very seas,  
whose freedom from Papal grants, and Spanish preten-  
sions, the pen of their Grotius had so ably defended.  
There was however another species of commerce  
which demanded their attention even more than either  
of the former, as it was not only a profitable branch  
of traffick in itself, but as it greatly tended to the se-  
curity of the rest, by being the principal basis of their  
naval power, this was the trade of freights, or the  
carrying trade, the subject of our present discourse.  
To understand their views in this respect, we must first  
take notice of the foundation, on which their policy  
was built; they had succeeded to the Hanseatic traders,  
in becoming the carriers of the world, a long possession  
had therefore furnished them with great numbers of gal-  
lies and ships; and to these they added, uncommon  
parsimony, and industry, the natural endowments of  
their people; these made them contented with small  
profits, and enabled them to carry the manufac-  
tures of each country, even cheaper, than the mer-  
chants of it themselves; with such happy circumstances  
in their favour, they were sure of making this branch  
of trade wholly and perpetually their own; if they  
could, by their negotiations and policy, establish two  
points. The first was, that no nation should grant to  
its own natives any privileges in relation to freights,  
which the people of Holland should not equally enjoy.  
And as the consequences of war would otherwise  
frequently interrupt the course of the trade, they in-  
sisted on obtaining, as their second point, that whenever  
any other nation was engaged in war, they might  
themselves enjoy, as neutrals, the right of protecting the pro-  
perty of its enemies. These points, once obtained,  
would

the treaty of Rylwick (1713) as it related to the ships of Holland alone: and since that time she has been would open a larger field on which their industry might exert itself, than what they could otherwise of right pretend to enjoy: they were wise, however, in endeavouring to obtain it: no nation besides themselves had more shipping, than what was equal to the carriage of their own manufactures: they alone therefore could carry on the freightage of other countries, and largely reap, when their neighbours were at war, the advantages proposed.

The regency of Holland laboured with great perseverance for the establishment of these two points: their Great Minister De Witt, filled all his instructions and dispatches with every argument and motive, which his active mind could invent, in support of these favourite maxims: they were willing to give up any temporary advantage to gain that, which, once acquired, would prove for ages an overflowing spring of wealth. By their negotiations they first endeavoured to induce France to comply with their desires in these respects: but here they were a long while unsuccessful: in opposition to the first point of their policy, Fonquet, while he was at the head of the French marine and finances, established the tax of 50 sous per ton on all foreign shipping; and endeavoured thereby to encourage and augment the freightage of his own country; and when upon his disgrace, Colbert succeeded to his employments, this tax of 50 sous was almost the only part of the former's policy, which the latter thought fit to adopt. It is amazing, with what zeal and application the Ministers of Holland contended for the abolition of it: France at length relaxed her severity on this head, not so much to favour the trade of the Dutch, as in compliance with the interests of her own. Colbert's great schemes to improve the manufactures of his country had met with better success, than his plans for the augmentation of its marine; and the frequent wars, in which his ambitious master involved his kingdoms, gave repeated checks to the freightage of his people. France therefore at last found it necessary to give a larger vent to her manufactures, by opening her ports to foreign vessels; and for this purpose, she took off the tax of 50 sous,

by



by the treaty of Ryswick, as far as it related to the ships of Holland alone : and since that time, she has regulated her conduct in this particular, as the interest of her trade requires.—In time of war, she always remits this tax, as she is then forced to make use of the freightage of neutral nations, her naval power not being equal to the protection of her own ;—and in time of peace she preserves the tax, or not, as the increase or diminution of her shipping requires, always giving the greatest encouragement to her own marine, which is consistent with the preservation of her manufactures.

France consented sooner to the other point of Dutch policy, and granted by treaty, to the vessels of Holland, as neutrals, the right of protecting the effects of an enemy : the laws of France indeed continue still to determine universally against this right ; and in this respect therefore their laws and treaties contradict each other : some very ancient ordinances of that kingdom (as we have shewn above) had adjudged as lawful prize in this case, not only the enemies goods, but had joined also in the condemnation the neutral vessel, which carried them ; the last however of these points was remitted as early as 1646, by a temporary treaty then made with Holland : the neutral vessel, and all the effects of a friend found on board it, by this were ordered to be spared : by a subsequent negotiation Holland endeavoured to get this privilege farther confirmed and extended : it was one great part of Monsieur Borel's employment in his long embassy at Paris : At last however, in the memorable Treaty of Defensive Alliance between Holland and France, of the 27th of April, 1668, this favour was obtained in its full extent : by the 35th Article, it is reciprocally agreed, that all which shall be found on board the vessels of either of the contracting parties, *encore que la charge ou partie d'icelle fut aux ennemis, sera libre et affranchie.* This article was again renewed by the Marine Treaty of 1678, and confirmed by all the subsequent Treaties between these two powers : France, from the condition of her marine, could certainly reap no advantage from the insertion of this article in her own Treaties ;

but it was wise in her to endeavour to establish the point as a general maxim of national law among other countries; experience hath proved to her the use of it in time of war.

But Holland most exerted her policy to bring that nation to a compliance with her maxims, whom she most apprehended as her rivals in trade, the scandalous ignorance of the English Ministers at that point of commerce, and the little attention, which they paid to the interests of it, gave such advantages for some time to the Dutch, that more vessels of that country were seen in the ports of our colonies, than in our own; the shipping of England from the reign of Elizabeth had been in a constant decline; it would hardly have been believed that in the reign of Charles I. England could not have furnished more than three merchant vessels of 300 tons; if Sir Josiah Child had not affirmed it, the time at length arrived, when we went to be put in this respect on an equality with our neighbours, and to vindicate (as it were) the advantages of our industry and produce to ourselves; in 1651, the Parliament of England passed into an ordinance that noble stream of commercial policy, called since the Act of Navigation; Mr. St. John returning about this time from his embassy at the Hague, became the happy instrument, which Providence made use of, to accomplish this great work; resisting, highly the refusal, which had there been given to his proposals, and the insults which had been offered to his person, he warmly solicited, and at length induced the Council of State to move the Parliament to pass it; the Committee sat five days in forming it, and it was at last published by order of the House with great pomp and ceremony at the Royal Exchange; the Dutch were so sensible of its consequences, that it was the principal cause of the ensuing war; they called it in a manifesto published soon after, "A violation and order," at the negotiations for that peace, which put an end to the war, De Witt laboured with his usual industry and acuteness to procure the abolition of it; his efforts were happily in vain; they, who made the law, attended with vigour the execution of it, the effects of it were immediate.

directly apparent: This act of policy alone hath so natu-  
rally outweighed all our other follies and extravagancies;  
Though condemned by some of our historians, and  
enlarged by others, it hath proved the principal  
source of all our naval power, which hath preserved us con-  
stantly in our preservation, and hath been the spring  
from whence hath flowed the wealth and greatness of  
England; which they who have the least attention to  
our interests will not equal constancy for some time.

Withstood the other maxim of Dutch policy, and would  
not permit their vessels, as dealers, to protect the effects  
of the enemy. A very ancient and remarkable treaty  
made when the Dukes of Burgundy were Sovereigns  
of the Low Countries, the contrary opinion had long  
been established: In that, it was determined, that

"*Subditi Unius Principum Predictorum*" (that is,  
Henry VIII. King of England, and Philip Duke of  
Burgundy) should do one and the same thing per mare.

"*fructulose vel quocunque colore, aliqua bona seu*

"*mercantibus, inimicorum alterius contrarium principum*

"*factum.*" And it farther stipulated, that, in case, the

master of the neutral vessel shall endeavour by a false

report to defraud the captain of any of his enemies

effects, he shall be obliged to make good the loss sus-  
tained thereby, by the forfeiture of as much of his

own. Frequent applications were made before the

Restoration, both to the Parliament and to the Protec-  
tor, to alter the course of proceeding in this respect;

but those Heads, which formed the act of navigation,

were too wise to consent to this, a particular occasion,

however, at last induced England to make the concession;

by the treaty of commerce made at the Hague, 17th

of February, 1668, this point was settled to the sa-  
tisfaction of Holland, by the 10th article of which, it

was mutually stipulated, that the shipping of each

country should carry freely the goods of the enemies

of each other. The circumstances of the time, and the

situation of affairs when this article was framed,

account for its admission into this treaty, and

very strongly apologise for the authors of it. Lewis

the XIVth had then just commenced the first

career



career of his ambition, and England resolved with spirit to throw herself in his way; Holland was then engaged in a strong defensive alliance with France, from whom it was necessary to separate her, and to make her join with England to support the independency of Europe; it was natural on this occasion to offer her the same conditions, which she enjoyed by her treaty with France; some sort of security indeed was necessary to her on this occasion; the King of England had always shown but little affection to the States; the war with that country was but just ended, and the wound but weakly healed: When Sir William Temple therefore negotiated the triple alliance, he privately agreed with Monsieur De Wit, that the French treaty of 1662, should be the basis of the subsequent treaties of commerce and defence, which were immediately to be made with England: We have before observed, that in the 35th article of the treaty of 1662, the French consented to grant the right of protection to neutral vessels: This therefore came of course to be inserted in our commercial treaty of 1668, which was made directly after the triple alliance; and the advantages which would arise from thence in favour of the trade of Holland, were the concessions which England then chose to make, that she might obtain the assistance of that Republic against France: To what other purpose could England at this time admit into her treaties a point, which she had before so long refused to the constant solicitations of the States? Any benefit which the British trade might reap from the mutual stipulation of this article, could never be the object which the ministers of this country had in view: The article, considered by itself, is of the most fatal consequence to the power and trade of Great-Britain: When she is at peace, and her neighbours are at war, she cannot reap any benefit from it, as her own shipping is not more than equal to the trade of her people; and when on the other hand Great-Britain is at war, and her neighbours at peace, it tends to defeat the best part of her power, and to render fruitless the efforts of her naval force; while at the same time, considered as a general maxim

maxim of right among other nations, Great Britain neither wants the use of it, as she is equal in time of war to the protection of her own shipping; neither can her merchants enjoy the advantage of it, as the employment of foreign freightage is in most respects directly contrary to her laws. This article was again renewed in the treaty of commerce of 1674, which is the maritime regulation, that at present subsists between Great Britain and Holland.

In this manner therefore the article having obtained existence in our treaties, we are now to consider, whether it is still in force.

Treaties of alliance being nothing more, than stipulations of mutual advantages between two communities in favour of each other, ought to be considered in the nature of a bargain; the conditions of which are always supposed to be equal, at least in the opinion of those who make it. He, therefore, who breaks his part of the contract, destroys the equality or justice of it, and forfeits all pretence to those benefits, which the other party had stipulated in his favour. *St pars una* (says Grotius) *Fœdus violaverit, poterit altera a Fœdere discedere, nam Capita Fœderis singula conditionis vim habent.* And Puffendorf, speaking of conventions, says, "*Nec hæc alterum obligant, ubi ab uno legibus conventionis non fuerit factum.*"

The next question then is, — Hath Holland complied with her part of the treaties or contracts, to which she is mutually bound with England? — Hath she performed all that she hath stipulated in our favour? — Or hath she been deficient in the execution of some article, in which the very life of our alliance is contained? — If so material a part should be extinguished, it would be unnatural to suppose, that any lesser limb of the treaties should have vigour; Holland in this case could have no pretence to require the execution of what may have been conceded in her favour; especially, if the performance of it would operate to the detriment of that ally, whose friendship she hath forsaken.

I doubt not, while at the same time considered as a general maxim

I doubt not, but my reader hath already answered in his own mind the question proposed; — that the possessions of the crown of Great-Britain in Europe have been attacked by the armies of France; — that in such case Holland is obliged by treaties to grant immediate succours, and after a certain time to join with Great-Britain in open war; — that she hath not performed these conditions, and hath therefore forfeited all title to any advantages, contained in those treaties, and above all to such as may arise from the nature of the war itself.

I shall state however this point something more particularly; — Holland is engaged in three different guaranties or defensive treaties with Great-Britain. The first is that ancient [original defensive alliance] which hath been the basis of all the subsequent treaties between the two nations: This treaty was designed to have been made immediately after the triple alliance, but the unsteady conduct of the ministers of Charles the second, and the unfortunate attachment of that monarch to the French court, for some years delayed it. It was at last however concluded at Westminster the 3d of March, 1678: It is (except in two immaterial alterations) an exact copy of the 11 first articles of the French treaty of 1662, and both were negociated by the same minister, Monsieur Van Bouvingen. In the preamble of this treaty, “the preservation of each other’s dominions,” is set forth as the cause of making it; and the stipulations of it are, “a mutual guaranty of all they already enjoyed, or might hereafter acquire, by treaties of peace, in Europe only.” They farther guaranty, “all treaties, which were at that time made, or might hereafter conjointly be made with any other power.” They promise also, to “defend and preserve each other in the possession of all towns or fortresses, which did at that time belong, or shall for the future belong to either of them;” and for this purpose it is determined, that “when either nation is attacked or molested, the other shall immediately succour it with a certain number of troops and men of war, and shall be obliged to break with the aggressor in two months,



months; immediately after the party, that is already at war, shall require it; and that they shall then act conjointly with all their forces, to bring the common enemy to a reasonable accommodation." 1701

That Holland hath not complied with the terms of this guaranty is evident; — Minorca, a possession of the crown of Great Britain, and which she acquired by treaty, hath been attacked: This is one case of the guaranty; — by that attack, a treaty that was made in common concert, the treaty of Utrecht

hath been broken; this is a second case of the guaranty; — And by these means, England hath been deprived of a possession, which of right belonged to her; This is a third case of the guaranty; — And notwithstanding all this, Holland hath not as yet granted the succours stipulated; and many more than two months have passed without her having entered into war conjointly with England, as the treaty requires.

The second species of defensive alliance, which subsists between Great Britain and Holland, is, that which was first agreed to, in the treaty of barrier and succession of October the 29th, 1709, and again more particularly stipulated in another treaty to the same purpose of January 29th, 1713.

The design of this treaty is the guaranty of the Dutch Barrier on one party, and the guaranty of the firmest barrier of British liberty, the protestant succession, on the other: The stipulations are; — that in case either should be attacked, the other should furnish at the requisition of the party injured, but at his own expence, certain succours there expressed; and if the danger should be such, as to require a greater force, that he shall be obliged to augment his succours, and ultimately to act with all his power in open war against the aggressor. I pre-

tend not to make any use of this treaty in the present case; and only mention it to give a fuller view of the alliances, which subsist between us; — Here however I will indulge a wish, that the case of this guaranty, as far as it relates to the right of the crown of Great Britain, may never again exist: I always read with sorrow, that there ever was a time, when the unfortunate

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nate dissensions of our people, in a point where the whole of their happiness was concerned, should have made it necessary to add any other sanction to our own laws, than such as our own power can afford them: These days however of shame now, I hope, are passed; more than forty years experience of the mildest government must have won the most obdurate heart, to confess the present felicity, and bless the hand which bestows it: When forgetting ancient errors, we are thus united in defence, the affection of his Majesty's subjects are the happiest guaranty of his right.

I come now to the last species of defensive alliance, which subsists between Great-Britain and Holland: This was concluded at the Hague the 4th of January, 1717: To this treaty France was a party: The intention or view of it was, "the preservation of each other reciprocally in the possession of their dominions," "as established by the treaty of Utrecht;" and the stipulations are, "to defend all and each of the articles of the said treaty, as far as they relate to the contracting parties respectively, or each of them in particular;" and they guaranty all the kingdoms, provinces, states, rights and advantages, which each of the parties at the signing of that treaty possessed: and in a separate article all this is confined to "Europe only." The succours stipulated in support of this guaranty, are much the same as those mentioned above, first, "interposition of good offices," — then "a certain number of forces," — and lastly, "declaration of war." This treaty was renewed by the quadruple alliance of 1718, and again by the accession of Holland to the treaty of Hanover of 1726, and last of all by the 3d article of the treaty of Aix la Chapelle.

Holland hath by no means executed the terms of this guaranty, — Minorca, "a possession of the crown of England in Europe, which she enjoyed at the signing of this treaty," hath been attacked; this is one case of the guaranty: — By this attack, "The article of the treaty of Utrecht, by which that possession was ceded to England," hath been broken; this is another case of guaranty: — I need not again observe, that Holland,

Holland, in consequence of this, hath neither granted the succours, nor declared war, as this treaty also requires.

It will however perhaps be objected, "that England was the aggressor in the present war, and that unless she had been first attacked, the case of the guaranties doth not exist." — True it is, that the treaties which contain these guaranties, are called defensive treaties only; but the words of them, and particularly of that of 1678, by no means express the point clearly in the sense of the objection; they guaranty in general certain rights and possessions of both parties, and when they declare, what shall be done, in case either shall be "attacked," or "molested," in those parts, which are the objects of the guaranties, it is not mentioned as necessary, that this should be the first attack: — If however we allow the treaties to have all the meaning, which they who make this objection can require, the evidence of facts will sufficiently prove, that France was the aggressor in the present war: — If we look to America, the present war there is little more than a continuation of the last; repeated usurpations of the possessions of Great-Britain have been there the constant employment of France, almost from the hour in which the treaty of Aix was signed; and these were at last followed by an avowed military attack upon a fort belonging to the crown of Great-Britain, by regular troops, acting under a commission from the court of France: — If we consider America, as having no concern in the present question, France will also be found to have been the aggressor in the European war: — If we regard the intention alone, the first hostile intention in Europe was the design to invade Great-Britain, sufficiently proved, and avowed by the preparations which France made for it: — If we look for the first overt-act, France made the first open attack upon Minorca: — The opinion indeed of the parties concerned sufficiently shew, that the attack upon Minorca was the opening of the European war; notwithstanding all which had passed elsewhere, proposals for an accommodation of the American disputes were never discontinued, nor the war considered



be universal, till that island was absolutely invaded. As for the captures at sea, they must be considered as belonging to the American war. They were made in consequence of the hostilities there first commenced, and were seized as reprisals, for the injuries there committed upon the property of the people of England; as such they were always declared to be taken by the Ministers of England, and the value of them to be on that account retained: and the legislature hath expressly refused to distribute it among the captors, as they have done in respect to all other prizes, which have been made, since the war of Europe began: But even if this distinction, which puts the question out of all doubt, had not been made by the government of Great-Britain, these captures surely can never be looked upon but as a part of the American war; as such a war must always be supported by succours sent from Europe. It is absurd to suppose that either party in this case would not endeavour, as far as he was able, to take or destroy entirely the shipping of his enemy, by which alone those succours could be conveyed: Countries which have very little internal force within themselves, cannot be defended but by such troops as are thrown into them: to defeat therefore the only means, by which this can be effected, must be esteemed as material a part of such a war, as the means to invest a fortress are a material part of a siege. — But after all, when the execution of guaranties depends on questions like these, it will never, I fear, be difficult for an ally, who hath a mind to break his engagements, to find an evasion to escape: It is his duty however on such occasions to weigh well the spirit of his alliances, and to consider, which party hath always shewn the most ambition, or hath most inclination and ability to invade the dominions of his neighbour: it is not the first military action alone, but the usurpation of another's right, or the denial of justice, which in the opinion of the ablest writers, denominate the aggressor, and evince the commencement of a war.

A more subtle objection will still perhaps be made, to what has been said: It will be urged, " that though

" France

France was the aggressor in Europe, yet that it was only in consequence of the hostilities commenced before in America; with which it is determined by treaties, that Holland is to have no concern, and that the rights contested at present are not contained in the guaranties. — If the reasoning on which this objection is founded, was admitted, it would also be sufficient to destroy the effects of every guaranty, and to extinguish that confidence which nations mutually place in each other, on the faith of defensive alliances. It points out to the enemy a certain method of avoiding the inconvenience of such an alliance; it shows him where he ought to begin his attack; let only the first effort be made upon some place not included in the guaranty, and after that, he may pursue his views against the very object of it, without any apprehensions of the consequence; let France first attack some little spot belonging to Holland in America, and her guaranty would be no longer guaranteed. To argue in this manner would be to trifle with the most solemn engagements. The proper object of guaranties is the preservation of some particular country in the possession of some particular power. The treaties above mentioned, promise the defence of the dominions of each party in Europe, simply and absolutely, whenever they are attacked, or molested. If in the present war the first attack was made out of Europe, it is manifest, that long ago an attack hath also been made in Europe; and that is beyond a doubt the case of these guaranties.

Let us try, however, if we cannot discover, what hath once been the opinion of Holland on a point of this nature. — It hath already been observed, that the defensive alliance between England and Holland, of 1678, is but a copy of the 12 first articles of the French treaty of 1662; soon after Holland had concluded this last alliance with France, she became engaged in a war with England; the attack then first began, as in the present case, out of Europe, on the Coast of Guinea; and the cause of the war was also the same, a disputed right to certain possessions out of the bounds of Europe, some in Africa, and others in the East-Indies: Hostilities

having continued for some time in those parts, they afterwards commenced also in Europe; immediately upon this Holland declared, that the ease of that guaranty did exist, and demanded the succours which were stipulated: I need not produce the memorials of their ministers, to prove this; history sufficiently informs us, that France acknowledged the claim, granted the succours, and entered even into open war in the defence of her ally: Here then we have the sentiments of Holland on the same article, in a case minutely parallel: France also pleads, in favour of the same opinion, though her concession in this respect, checked at that time her youthful monarch in the first essay of his ambition, delayed for several months his entrance into the Spanish provinces, and brought on him the Enmity of England.

If any doubt can yet remain, about the meaning and intent of this article, it may farther be proved from the opinion of the Minister, who made it:—Immediately after Holland was engaged in the war above-mentioned, she sent to the Court of France Monsieur Van Beuningen, to press the execution of that guaranty, which he had himself concluded: It is remarkable, that in his conversations on this subject with Monsieur de Lionne, the same objection was debated, against which I now contend: Van Beuningen treated it with great contempt; he asked Monsieur de Lionne, if the pretence of the European war being only a continuation of that of Africa, was, what the English alone allegeded to deprive them of the succours of France; or whether the French Ministry laid any stress upon it, as an argument, at all to be supported. De Lionne at first gave him to understand, that he thought it of some weight, “*quoi, Je repondis,*” says Van Beuningen, “*que je ne croyis pas, que cette objection fut serieuse, puis qu’il ditalors, que celui, qui a commence la Guerre en Guinée, & de la en Europe, n’a pas commence de Guerre en Europe, & ne pouvoit passer pour troubler la Paix & le Commerce en Europe, parce qu’il l’avoit trouble ailleurs auparavant,*” and then he adds, “*Ce, que j’ajoutois a ce raisonnement pour refuter cette objection, resta sans rephique.*” This

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was the same Monsieur Van Beuningen, who negotiated our defensive treaty of 1678; he made the terms of both these guaranties precisely alike; and we before shewed, that our own case at present is exactly the same as this, on which his opinion hath been produced. If however the words of these treaties had been against the interpretation, which hath been given them, I might justly have appealed to the spirit of them, as alone a sufficient foundation, on which to build my opinion: The whole design of all these our alliances with Holland is to form a barrier against the power of those mighty kingdoms, whose ambition might otherwise induce them to destroy the independency of Europe: They are, in fact, a regular continuation of that policy, which gave birth to the triple alliance, when the dangerous spirit of the French Councils first began to appear. To answer this great end, they guaranty the possessions of those two maritime countries, who, from their wealth, their internal strength, and their incapacity of having any ambitious views themselves, are the best security against the designs of others: But as the obligations of these guaranties are too considerable to be made use of on trifling occasions; for this purpose, the contracting parties have made one exception: The rights of the European Kingdoms, in the distant parts of the world, and particularly in America, are very uncertain, and the cause of frequent dissensions; and it is well known, that wars have there subsisted for many years, between the trading subjects and commercial companies of the several nations, while the mother countries have lived, if not in friendship, at least in peace; this then is the case, particularly excepted from the guaranty; but this exception must always be so interpreted, as to be made consistent with the principal intention of the alliance:—If some great country out of Europe should become of so much importance, that for the interest of Europe, it ought to remain in the hands of the present possessors; if the same great disturber of mankind, after many fruitless attempts in his own neighbourhood, should now turn his thoughts another way,

and should endeavour, by distant diversion, to enfeeble that power, on whose consideration the safety of the public very much depends, and to deprive her of the sources of her wealth, which she hath always so largely expended in support of the common cause; would a generous friend, who attends to the spirit of his engagements, say, that the case of the guaranty did not then exist? and, when the reason of the exception is vanished, would he urge the pretence of it, as an excuse, for giving up the principal point, on which the alliance was constructed?—But if to this distant attempt, the enemy should add an open and avowed war in Europe, should threaten the mother-country with invasion, attack her fortresses, and take occasion from thence to spread his armies over the continent; shall this pretended exception still be urged, when the literal case of the guaranty is now become apparent? On this weak foundation, shall a wise people, under such obligations, not only refuse to grant their assistance, but not permit their forsaken ally to make a full use of his power, holding back in this manner his arm, when they will not stretch forth their own; and claiming from the very contracts, they have broken, that privilege, which they turn to the destruction of her ally. The absurdity is shocking; such however is the present case of England: Unhappy in her friendships! She hath neither that assistance from allies, which they are bound by treaty to give her; neither is she allowed to exert even her own force, though abandoned to her own defence.

In this manner it might be argued, if the article, on which Holland founds her right of protecting the property of the enemy, was in force at the commencement of this war; but I hope to shew, on the contrary, that as far as it relates to the present case, it was repealed long ago: The treaty, in which this article was last inserted, was concluded the 1st of December, 1674: Four years after this, in 1678, was past that defensive alliance, in which it was stipulated between Holland and England, "that if either party should be attacked in Europe, the other should de-

"clare

in case of a war against the aggressor, two months after it he is required." By this treaty, therefore two months after England is attacked by France in Europe, Holland must become the enemy of the latter, as well as England; and to be the enemy of another, means certainly to distress his trade, and seize his property; not, to preserve the former, and protect the latter. If this therefore is the right interpretation of the word, enemy, this article directly and positively declares, that two months after France has attacked the European possessions of England, the ships of Holland shall not have a right to protect the effects of the French: This therefore is derogatory to the 8th article of the marine treaty of 1674, and as being posterior to it, absolutely repeals it. In all laws (and such are treaties in respect to nations) the last enacted always sets aside the former, so far as they disagree. Cicero says, it ought to be considered, "*Utra Lex posterior sit*" "*lata, nam postrema quæque gravissima.*"

But this maxim is not necessary on the present occasion, since the same article is again repealed by two subsequent treaties, in words as positive, as can be used: for in that treaty, by which all the old alliances between the maritime powers were renewed immediately after the revolution; and also in that of February 6, 1716, by which they were again renewed upon the accession of the present family to the throne, the treaties of 1674 and 1678 are expressly mentioned, and made of both a part; and it is there declared, that

"They shall have the same force and effect, as if they had been inserted in these treaties verbatim; that is to say, so far as they do not differ, or are contrary to one another; yet so as whatever hath been established by any later treaty, shall be understood, and performed in the sense therein expressed, without any regard had to any former treaty." Can it then be doubted, that the articles above mentioned are "contrary to one another," as much as peace and war, as much as friendship and enmity? Is not the defensive alliance of 1678, "a later treaty," than the marine regulation of 1674? And ought not therefore, according



cording to the words of the renewal, in the article of the latter to be performed in the sense therein expressed, without any regard being had to the former. Since then, the year 1689, this article, as far as it relates to the present case, hath been twice repealed. Thus much therefore may suffice to shew, that the right of Holland in this respect is extinct. There remains one more claim to be considered, a claim, which, if report had not averred, that such a one had been formally offered, would by no means deserve an answer. The northern crowns, whose commercial treaties with Great Britain contain not any article, which gives them expressly a right to carry the property of the enemy, have endeavoured to deduce this right from a general stipulation, which is to be found in some of their treaties, declaring, that they shall be "treated in like manner as the most favoured nation; and because Great Britain hath granted by treaty to some nations, the right, in time of war, of becoming the carriers of her enemies; they endeavour to infer from hence, that they ought to be admitted to the same favour. To this it might shortly be replied, that the rights of every country in this respect, as far as they relate to the present case, have been proved above, to be no longer in force, if the inference therefore was otherwise just, the foundation being thus destroyed, whatever is built upon it, must necessarily fall with it. But this stipulation of equal favour, from the very nature of it, can relate to nothing else; but such advantages as may be granted to foreign traders, by the municipal laws or ordinances of each country; such, as equality of customs, exemption from the rigour of ancient laws, which would affect them as aliens; and the privileges of Judges-Conservators, and Consuls: These are the proper objects of favour; and because the whole detail of these could not easily be specified in a treaty; for this reason they are thus comprehended in a general article: If the rights conceded by treaties were the objects of this stipulation, to what purpose were any other articles added; since this would contain them all; and would alone include every

every privilege, which past or future treaties could afford them; and can it be supposed, that any nation meant in this manner to preclude itself from the power of exchanging, by treaty with some particular country, any great right of its own, in return for an equal advantage? or that this right should, in such case, be universally forfeited to the people of every other nation, who would thus reap the benefit, without having been parties to the bargain? But this point is made clear beyond a doubt, from the words of the treaties themselves, where this general equality is stipulated. In the treaty of commerce between Great-Britain and Sweden, of the 21st of October, 1661, the principal one at present in force between the two countries, the fourth article, which contains this stipulation, plainly makes it refer to such favours only, as may be enjoyed in matters of traffic within their respective dominions. The treatment, which the contracting parties shall there give to the subjects of each other, is the principal purport of the article; it specifies many particulars, and among the rest it stipulates, that the people of both countries shall have liberty to import, "and export their goods at discretion, the due customs being always paid, and the laws and ordinances of both Kingdoms universally observed, and then, manifestly connecting this with what follows, it adds, "which things being pre-supposed, they shall hold such ample privileges, exemptions, liberties, and immunities, as any foreigner whatsoever doth or shall enjoy;" the general equality therefore here stipulated, plainly relates to those places alone, where the customs of these Kingdoms are to be duly paid, and the laws and ordinances of them are in force, and, that is, only within their respective dominions. The privileges here conceded cannot possibly have any larger extent, and to confine the sense of the article still more strongly to this explanation, which hath now been given of it, the words, "in the dominions and kingdoms of each other," are twice repeated, to determine clearly, where that trade must be carried on, to which this favour is meant only to be granted;

granted; if however any doubt could yet remain, in respect to this interpretation, they who made the treaty have given the strongest proof, that under this article they never intended to imply a right of carrying the property of an enemy; since, by the 12th article of this same treaty, an attempt of that nature is pronounced to be "a heinous crime," and the strongest provisions are made to prevent it. In the treaty of commerce between Great-Britain and Russia, of the 2d of December, 1734, this stipulation of equal favour is inserted in several articles; but it appears in every one of them, to relate to nothing else, but to the particular privileges, which the subjects of each were to enjoy, while they were trading within the dominions of the other. In the 2d article, this equality is expressly said to be granted "throughout the dominions of the contracting parties in Europe." In the 3d, it relates only to "the favourable reception of the subjects of each other in the ports of their respective countries." In the 14th, it grants only an equal freedom to import "such merchandize into each others dominions, as is allowed to the subjects of any other country;" and in the 28th, it refers only to the "respect and treatment, which is to be given to the subjects of one party, who come into the dominions of the other." In the treaty of commerce between Great-Britain and Denmark, of the 29th of November, 1669, the only one at present in force between the two kingdoms, there is no article, which grants even this equality of favour; but the 20th article of this treaty expressly declares it to be illegal and injurious to protect the effects of the enemies of each other; and stipulates every possible means to prevent it. Nothing more, I hope, need be said, to refute this last and weakest pretence to a right of carrying freely the property of the enemies of Great-Britain.

As there is no article, therefore, which grants a right of this nature, at present in force in any of the commercial treaties between Great-Britain and the neutral powers; it is unnecessary to shew, that most of the captures which England hath made of the vessels of these



these nations, ought not properly to be referred to it, but may be justified by another part of the said treaties, where it is declared, "that all goods are contraband, which are carried to places blockaded or invested." The debate here would turn on the real existence of the blockade. To evince this, I might shew, what opinion the Dutch had of a naval blockade in 1689, when they declared publicly to neutral nations, that they designed, to block up all the ports of France. I might observe, that as the possession of the principal avenues to a town, constitutes a blockade by land, and that it is not necessary, for this purpose, to have made a complete line of circumvallations, so by keeping great squadrons of ships of war cruising constantly before the ports of an enemy, by destroying in this manner totally his trade, and preventing his fleets of war from ever venturing out, except now and then a ship or two by stealth, a blockade ought certainly to be considered as completely established by sea. I might farther prove the cause from its effects, and shew, that the American islands, at least have experienced all the consequences of such a situation; where want of communication with the mother country, distress, and famine, fully declare, that they have been invested. But as this topic may not perhaps relate to the tale of every capture, and depends on the particular state of a variety of facts, I shall not dwell any longer upon it at present. The question hath here, I hope, sufficiently been argued on principles, which are plain and comprehensive, on those equitable regulations, which nature hath established among nations, and on those particular contracts, with which communities have bound themselves: And as I before endeavoured to prove, that neutral nations had no right, by the former of these obligations, to protect the property of the enemy; so now it hath been shewn, by what policy the Dutch first obtained this privilege; by what treaties it hath since been taken from them; and by what conduct they have lately forfeited, whatever might remain of this right. It hath also, I flatter myself, appeared, that no other of the neutral powers, under the pretence of any article in

their treaties of commerce, can justly claim such a right. Upon the whole, therefore, I will now beg permission to conclude, that the naval power of England hath been conducted, during the present war, with no less justice than spirit; that the faith of our Sovereign is as spotless as his courage; and that the honour of our country is unblemished.

The basis of just complaint being thus removed, those idle clamours, which have been sounded upon it, by no means merit our attention; to charge England with ambition, must appear so absurd to all, who understand the nature of her government, that at the bar of reason it ought to be treated rather as calumny, than accusation: Possessed of every blessing, which civil government can produce, she is open to no temptation, with which ambition might seduce her; pursuits of that kind might possibly operate to the destruction of her constitution, and her system of happiness might be subverted by the augmentation of her power: It must always be the interest of England to protect the just rights of commerce, and to support those principles, which promote the labours of mankind, since she herself can only be great from the virtuous industry of her people. To obtain the largest extent for the exertion of this, is the point, to which all her policy should tend; and if ever, forsaking these maxims, she should seek to enlarge her power by any acts of ambitious injustice, may she then, for the welfare of the human race, cease to be any longer great or powerful! Her courts of maritime jurisdiction are more wisely calculated to preserve the freedom of navigation, than those of any other country; as they are not subject to the controul of her executive power, the passions of her Princes or Ministers can never influence the decisions of them; and foreign traders have in favour of their property all the security, which the nature of the thing will admit, the consciences of wise men determining upon matters of right, whom the threats of power cannot affect, and who are set free, as far as possible, from all bias and partiality; and to the honour of the learned persons,

persons, who at present preside in those courts, one impartial testimony shall here be produced in their favour: Though treaties have expressly pointed out to all, who may there think themselves injured, a regular method of redress before a superior tribunal, the merchants and freighters of Holland have never ventured, as yet, to bring to a hearing, or even to put into a way of trial, any one of the appeals, which they have made from the determinations of these judges, giving hereby cause to presume, that they made them with no other intention but to delay the execution of the sentences; and conscious of the invalidity of their rights, they have in this manner plainly confessed the real equity of those decisions, which have been passed upon them. That amid the confusions of war, some irregularities may be committed, is a misfortune too true to be denied, but which the circumstances of the case render impossible to be wholly prevented: They are the consequences of all wars, not alone of the present. To destroy the trade of the enemy, it is necessary to employ privateers, which cannot always be kept under those strict rules, to which a more regular force is subject; these maritime hussars may sometimes exceed their commissions, and be guilty of disorders, the authors of which cannot always be punished, because the nature of the fact renders the discovery of them difficult: But can the crimes of these be imputed to Ministers, whose ears are always open to complaints, and who labour, as much as possible, to redress them? The privateers of England are already made subject to every restraint, which naval policy hath as yet invented, to force them to conform to their duty: If however these are found insufficient, and if any more successful means can be discovered to prevent every unjust depredation, by which the evils of war may be diminished, confident I am, that Great-Britain will be the first to adopt them; let them be consistent only with the use of her naval power, and conformable to justice, the British Legislature will enact such into a law, and the British Ministry will attend most steadily to the execution of them.



But after all, the wisest regulations on occasions like this cannot be expected to answer fully the end proposed; the system of humanity is no where perfect, but in respect to nations its weakness is most apparent; the softer ties of natural affection among these have little effect, and no coercive bands of power exist to regulate and controul their passions; it is the virtue of governments alone, on which the general prosperity depends, and treaties have no better sanction, than what that virtue can give them: These were the principles from which I first commenced my discourse: by these the rulers of communities are instructed to amend, as far as possible, by their prudence, what Nature hath left imperfect: Ambition or avarice will augment the evil; moderation may prevent it: Every little inconvenience must be patiently suffered, where a superior right makes it necessary. The love of our country should never induce us to act contrary to that love which we ought to bear to mankind, since the interests of both, if they are rightly pursued, will always be found consistent with each other.

merchandises belonging to the subjects of the King of Great-Britain, which are found on board any ships belonging to the enemies of the most Christian King, shall be liable to confiscation, though they be not contraband; and on the contrary, any merchandises of the enemies of the said most Christian King shall not be taken or confiscated, if they are found on board any ships appertaining to the subjects of the King of Great-Britain, though the said merchandises make up the best part or the whole of the lading of the said ships, but still with an exception to contraband goods.

**APPEND.**  
MARINE TREATY between Great-Britain and the United Provinces, to be observed by Land and by Sea, throughout all Countries and Parts of the World, concluded at London, December the 11. 1674. Renewed by a Treaty of Alliance between the said Powers, February the 11. 1713.  
VIII. Whatsoever shall be found laden by his Majesty's subjects upon any ship whatsoever belonging to the enemies of the Lords the States, although the same

## A P P E N D I X

No. I. MARINE TREATY between the Crown of Great-Britain and France; concluded at St. Germain, the 24th of February, 1763.

VIII. MERCHANDISES appertaining to the subjects of the most Christian King, which shall be found on board ships belonging to the enemies of the King of Great-Britain, shall be liable to forfeiture, though they are not contraband; and on the contrary, the goods of the enemies of the King of Great-Britain shall not be taken or confiscated, if they be found on board any ships appertaining to the subjects of the most Christian King, although the said goods make up the best part of the whole lading of such ships; but still with an exception of all contraband, which when taken shall be disposed of in the manner directed by the preceding articles. In like manner, all merchandises belonging to the subjects of the King of Great-Britain, which are found on board any ships belonging to the enemies of the most Christian King, shall be liable to confiscation, though they be not contraband; and on the contrary, any merchandises of the enemies of the said most Christian King shall not be taken or confiscated, if they are found on board any ships appertaining to the subjects of the King of Great-Britain, though the said merchandises make up the best part of the whole of the lading of the said ships; but still with an exception to contraband goods.

No. II. MARINE TREATY between Great-Britain and the United Provinces, to be observed by Land and by Sea, throughout all Countries and Parts of the World, concluded at London, December the 1st, 1674. Renewed by a Treaty of Alliance between the said Powers, February the 6th, 1715-16.

VIII. Whatsoever shall be found laden by his Majesty's subjects upon any ship whatsoever belonging to the enemies of the Lords the States, although the same

same be not of the quality of contraband goods, may be confiscated: But on the contrary, all that which shall be found put on board ships belonging to the subjects of the King of Great-Britain, shall be accounted clear and free, although the whole lading, or any part thereof, by just title of property should belong to the enemies of the Lords the States; except always contraband goods: But in case any such are intercepted, all things shall be done according to the meaning and direction of the foregoing articles, and so likewise, whatsoever shall be found laden by the subjects of the Lords the States in any ship whatsoever, belonging to the enemies of his Majesty, although the same be not of the quality of contraband goods, may be confiscated: But on the other side, all that which shall be found put on board ships belonging to the subjects of the Lords the States, shall be accounted clear and free, although the whole lading, or any part thereof, by just title of property, should belong to the enemies of his Majesty; except always contraband goods.

**No. III.** *TREATY of 1667, between Great-Britain and Spain, included in that between the said Powers at Utrecht, of November 28, 1713, and renewed by that of Aix-la-Chapelle, 1748.*

**XXI.** The subjects and inhabitants of the kingdoms and dominions under the obedience of the Kings of Great-Britain and Spain respectively, may with all security and liberty navigate and traffick throughout all the kingdoms, states and countries, cultivating peace, amity or neutrality, with either of the said Kings.

**XXII.** The ships or subjects of either of the said Kings shall in no wise interrupt the said liberty by any hindrance or disturbance whatsoever, by reason of any hostility which now is or may be hereafter between either of the said Kings, and any other kingdoms, dominions and states, being in friendship or neutrality with the other party.

**No.** And thus they promise and oblige themselves to be mutual guarantees, not only of all the territories which his Majesty and the said Lords the States General have already made with other Kings, Repub-



No. IV. *MARINE TREATY between Great-Britain and the States General: concluded at the Hague the 22<sup>d</sup> of February, 1667-8. Renewed by a Treaty of Alliance between the said Powers, February 6, 1715-16.*

X. Whatsoever shall be found laden by his Majesty's subjects upon a ship of the enemies of the said States, although the same were not contraband, shall yet be confiscated, with all that shall be found in such ship, without exception or reservation: But on the other side, all that shall be found in any ships belonging to any subjects of the King of Great-Britain, shall be free and discharged, although the lading or any part thereof belong to the enemies of the said States, except contraband goods, in regard whereof such rule shall be observed, as hath been laid down in the foregoing articles.

No. V. *A Treaty of a Defensive Alliance between Charles II. King of England, and the States General of the United Provinces of the Netherlands, concluded at Westminster, March the 3<sup>d</sup>, 1677-8. Renewed by a Treaty of Alliance between the said Powers, February 6<sup>th</sup>, 1715-16.*

II. Moreover, there shall be a strict alliance and faithful confederacy between his Majesty and his successors, Kings of Great-Britain, and the said Lords the States General, their estates and territories, for the mutual support and preservation of each other in tranquillity, peace, amity, and neutrality both by sea and land, in the possession of all the rights, franchises and the liberties they do, or ought to enjoy, or which they are ready, or may hereafter acquire, by treaties of peace, friendship and neutrality, which before have been made, and may be for the time to come, conjointly and in common concert with other Kings, Republicks, Princes, and Cities, within the bounds of Europe only, and no farther.

III. And thus they promise and oblige themselves to be mutual guaranties, not only of all the treaties which his Majesty and the said Lords the States General have already made with other Kings, Republics,

Kings, Princes, and States, which shall be produced on either side, before the exchange of the ratifications; but also all those that may be made hereafter, conjointly and in common concert; and to defend, assist, and reciprocally to preserve one another in possession of the territories, towns and places, which do at this time belong, and for the future shall belong, as well to his Majesty and his successors, Kings of Great-Britain, as to the said Lords the States General, by the said treaties, in what part of Europe forever the said territories, cities and places shall be situated; in case his said Majesty, or the said Lords the States General, as aforesaid, happen to be molested or attacked by some hostile act or open war, by or upon any pretence whatsoever.

IV. The mutual obligation of assisting and defending one another, is to be understood, and doth extend to the conservation and maintenance of his Majesty and the said Lords the States General, their countries and subjects, in all their rights, possessions, immunities and liberties, as well in respect to navigation as commerce, and every thing else both by sea and land, which shall be found to belong to them by common right, or have been acquired by treaties already made, or to be made in the manner aforesaid with and against all Kings and Princes, Republics and States; so far forth, that if his Majesty, or the said Lords the States, in prejudice to the said tranquillity, peace, friendship, or present or future neutrality, shall hereafter be attacked, or in any other manner whatsoever disturbed in the possession and enjoyment of their estates, territories, towns, places, rights, immunities, and freedom of commerce, navigation, or any thing else, which his Majesty or the said Lords the States General do now enjoy, or shall hereafter enjoy by common right, or by treaties already made, or that may be made as aforesaid; his Majesty and the said Lords the States General, as soon as they are informed of it, or required thereto by each other, shall do all they possibly can, conjointly to terminate the troubles

or

or hostilities, and procure reparation to be made for the loss or injuries done to one of the allies.

Art. V. And in case the said attempt or trouble be seconded with any open rupture, that party of the two allies who is not attacked, shall be obliged to break with the aggressor in two months, immediately after the party that is already at a rupture shall require it: during which time he shall use all his endeavours by his ambassadors and other ministers to mediate a just accomodation between the aggressor and disturber, and the party first attacked or molested; and yet still in the said time give powerful assistance to his ally, such as shall be agreed on by the separate articles between his Majesty and the said Lords the States General, the which, though there had been no mention made of them in this article, shall be kept and observed, as if they had been inserted and set down therein: it being already left to the choice of that party or the allies that shall be at rupture, to continue to enjoy the benefit of the same succours, in case the conjuncture of the times and the state of his affairs shall make him prefer the effect thereof before an open rupture of his ally with the aggressor.

Art. VI. The mutual guaranty being in this manner promised and established, when either of the allies comes to be attacked or molested, if the States General of the United Provinces happen to be in, or find themselves obliged to enter into an open war; his Majesty shall in like manner be obliged to break with the aggressor or disturber, and to make use of all his power, and his whole forces both by sea and land, and to join them with those of the Lords the States General, when it shall be thought expedient, in order to bring the common enemy to a reasonable, firm, and equitable accomodation with the King of Great-Britain and the said United Provinces.

Art. VII. And in this case the forces of his Britannick Majesty, and of the said Lords the States General, shall act conjointly or separately, as they his said Majesty and the said Lords the States General shall then more particularly concert affairs between them: they



being to advise and consult together about the most proper methods to annoy the common enemy, whether by way of diversion or otherwise, to the end he may sooner be brought to an accommodation as aforesaid.

Art. VIII. The said Lords the States are to perform the same than is contained in the two articles immediately foregoing, in case the King of Great-Britain shall be attacked or assailed in the manner aforesaid.

No. VI. *Treaty of Defensive Alliance between Great-Britain, France, and Holland, concluded at the Hague the 11th of January, 1713; renewed by the Quadruple Alliance of 1718; in the accession of Holland to the Treaty of Utrecht in 1713, and by the Treaty of Aix-la-Chapelle.*

Art. V. As the end and genuine design of this alliance between the said Kings and States General, is, to preserve mutually the peace and tranquillity of their respective kingdoms, states and provinces, which was established by the last treaties of peace between the most Serene Queens of Great-Britain, the most Serene most Christian King, and the said High and Mighty Lords the States General of the United Provinces, concluded and signed at Utrecht on the 11th day of April, in the Year of our Lord 1713, it is agreed and concluded, that all and singular the articles of the said treaties of peace, so far as they relate to the interests of the said three powers respectively and each of them, in particular, and also the successions to the crown of Great-Britain in the protestant line, and to the crown of France, according to the said treaties, shall have their full force and effect, and the said most Serene Kings, and the Lords the States General, promise their mutual guaranty for the intire execution of all that is stipulated in the said articles, so far as they relate (as is aforesaid) to the successions and interests of the said kingdoms and provinces, as also for the maintaining and defending of all the kingdoms, provinces, territories, rights, immunities, or advantages which each of the said allies respectively shall actually possess at the time of signing this alliance: For which said the said Kings and States General have consented and agreed.

agreed, that if any one of the said parties shall be  
attacked by any Prince or State whatsoever, the  
other shall immediately interpret the said  
treaty with the aggressor, to proper rights in common to  
the party injured, and to redress the wrongs done to  
it, and to assist it in all its efforts to recover its  
liberty and to maintain its independence. But if the friendly  
relations between the said parties have the desired effect, by reconciling both parties, and ob-  
taining satisfaction and reparation of wrongs within  
the space of two months, then it shall be the duty of the parties  
contracting who shall not be attacked, to assist their ally without delay, and shall furnish the  
party attacked with the succours hereunder specified,  
that is to say, **Article V.**

**The King of Great-Britain** shall furnish the said

**the most Christian King** with the sum of 1,000,000

**the States General** shall furnish the said

But if the ally who shall be engaged in war, in the  
manner aforesaid, shall desire to have assistance by sea,  
or shall choose money rather than land or sea forces, it  
shall be freely at his option, the said ally to furnish  
ed bearing always proportionate to the forces above spe-  
cified.

And that no dispute may arise hereupon it is agreed,  
that 1,000 foot shall be computed at 10,000 guilders  
Dutch money, a month; and likewise 1000 horse at  
30,000 guilders of the same money a month; reckoning  
twelve months to the year; the said succours to be  
valued in the like proportion.

**Separate Article.** Whereas in the treaty of alliance  
this day concluded, between the most Serene and most  
Powerful King of Great-Britain and the most Christian  
King, and the High and Mighty Lord the States  
General of the United Netherlands, there is among  
other things a stipulation concerning the succours or  
assistance with which the allies are obliged mutually  
to help each other in case one or other of them should  
be unjustly attacked; Let any doubt should hereafter  
arise touching the number of the said succours or as-  
sistance, by the reason of the alliances now subsisting  
between

between the crown of Great-Britain and the republic of the United Netherlands, the under-written Ambassador Extraordinary and Plenipotentiary of the King of Great-Britain, and Deputies and Plenipotentiaries of the Lords the States General, have judged it necessary to declare, as they do declare by this separate article, which is to have the same force as if it had been inserted in the principal treaty, that the former treaties and alliances between the crown of Great-Britain and the United Netherlands shall have full effect in all their articles, but especially in those which relate to the succours or assistance to be mutually furnished according to the proportions stipulated in the said treaties or alliances; which articles shall not only remain in force, but are confirmed by this separate article, and the said proportions stipulated by the former alliances, as to the succours or assistance mutually to be furnished, shall be always and exactly observed, even when the above-said succours shall be required by virtue of the treaty this day signed: And that as well the King of Great-Britain, as the Lords the States-General, shall, if the case happen, have a right to require the succours, either by virtue of the former treaties, or by virtue of the alliance this day concluded; yet so, that if the succours should be furnished by virtue of the former treaties, neither party shall be intitled to ask further assistance by virtue of this alliance. And whereas the said succours, as also the guaranty mentioned in the fifth article of the said treaty concluded this day, are, by a certain separate article settled between the most Christian King and the States General, restrained and limited to Europe; so likewise the same succours and guaranty between the King of Great-Britain and the Lords the States General, are by virtue of this article restrained and limited to Europe. In witness whereof, &c.



**F I N I S.**



